

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27/11/2015

C O R A M

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

Writ Petition No.33431 of 2015

Balamurali

...

Petitioner

Vs

1. The Chairman
Tamil Nadu Electricity Board
Anna Salai
Chennai 600 002.
2. The Assistant Engineer
Tamil Nadu Electricity Board
Power House
Rangarajapuram Division
Kodambakkam
Chennai 600 024.
3. The Inspector of Police
R.2 Kodambakkam Police Station
Chennai 600 024.
4. Mrs.C.Saradambal
5. Dr.Vijayakumar

Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the second respondent to restore the electricity connection within the time stipulated.

For petitioner

... Mr.R.Ravindra Ram

For respondents

... Mr.P.Gunaraj
for R.R.1 and 2.

For respondents

Mr.R.Rajeswaran,
Special Govt Pleader
for R.3.

Mr.T.Sundar Rajan
for R.R.4 and 5.

O R D E R

With the consent of the learned counsel appearing for the parties, the main writ petition is taken up for final disposal.

2. Heard Mr.R.Ravindra Ram, learned counsel for the petitioner, Mr.P.Gunaraj for the respondents 1 and 2, Mr.R.Rajeswaran, learned Special Government Pleader for the third respondent and Mr.T.Sundar Rajan for the respondents 4 and 5.

3. This writ petition has been filed praying to direct the second respondent to restore the electricity connection within a stipulated time.

4. From the affidavit filed in support of the writ petition, the documents filed in the typed set of papers and the arguments advanced by the learned counsel for the petitioner, it is evident that there is a property dispute between the petitioner and the respondents 4 and 5.

5. The petitioner claims to be a tenant under the private respondents for which certain letters and communications have been enclosed.

6. It is admitted by the learned counsel for the petitioner that he was working as a Driver under the fifth respondent. Further, it is admitted by the petitioner that civil suits are pending, viz., O.S.No.5074 of 2014 was filed by the petitioner before XV Assistant City Civil Court, Chennai and another suit is O.S.No.6587 of 2014 was pending before IV Assistant City Civil Court, Chennai.

7. The learned counsel for the petitioner in the course of arguments submitted that he has already moved the Civil Court by filing an application for restoration of Essential Amenities before the XV Assistant City Civil Court and the said application was returned on 30/9/2015 by the Court for certain compliances. In the interregnum, the petitioner wants this court to issue a direction to restore the electricity supply.

8. In my view, there is dispute between the petitioner and the respondents 4 and 5, the petitioner has to necessarily approach the Civil Court or any competent court for necessary relief and a writ petition is not the proper remedy and is not maintainable.

9. Accordingly, this writ petition is closed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/
ASSISTANT REGISTRAR (CCC)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

mvs.

To

1. The Chairman
Tamil Nadu Electricity Board
Anna Salai
Chennai 600 002.
2. The Assistant Engineer
Tamil Nadu Electricity Board
Power House
Rangarajapuram Division
Kodambakkam
Chennai 600 024.
3. The Inspector of Police
R.2 Kodambakkam Police Station
Chennai 600 024.

+1 CC to MR.P.Gunaraj Advocate. SR.NO. 64845
+1 CC to MR.T.Sundar Rajan Advocate. SR.NO. 64742
+1 CC to Govt.Pleader. SR.NO. 65250

WEB COPY

W.P.No.33431 of 2015

CO-RSK
JD 17/12/2015