

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.36069 of 2015

and

M.P.No.1 of 2015

P.Elumalai

.. Petitioner

Vs.

1. The Superintending Engineer,
Tamil Nadu Electricity Board,
Vengikkal, Thiruvannamalai.
2. The Executive Engineer, (O&M) (West),
Tamil Nadu Electricity Board,
Thiruvannamalai - 606 604.
3. The Junior Engineer,
Tamil Nadu Electricity Board,
Thuandarampattu, Thiruvannamalai District.
4. N.Shanmugam
5. The Chairman,
TNEB, Anna Salai,
Chennai - 6.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 to 3 herein to give service connection to the petitioner's well situated in S.F.No.45/1 M vide sanction No.686/A14/401/12-13, as communicated by the 2nd respondent on 16.04.2013.

For Petitioner

.. Mr.D.Selvaraju

For Respondents 1 to 3

.. Mr.M.Varunkumar

For 4th Respondent

.. Mr.M.Balasubramanian

ORDER

Heard Mr.D.Selvaraj, learned counsel appearing for the petitioner, Mr.M.Varunkumar, learned Standing counsel who accepts notice for the respondents 1 to 3 and Mr.M.Balasubramanian, learned counsel for the fourth respondent and with their consent, the writ petition is taken up for final disposal.

2. The petitioner seeks for issuance of writ of mandamus to direct the respondents 1 to 3 to give service connection to the petitioner's well in S.F.No.45/1M. The petitioner would admit that a civil suit is pending in O.S.No.160 of 2012 on the file of the District Munsif Court, Chengam filed by the 4th respondent herein and the petitioner is the first defendant. The defendants 2 to 4 are the officials of the respondent Board. In the said suit, the plaintiff has sought for declaration of title and for a decree of permanent injunction in respect of the property in S.No.38/1A measuring an extent of 8.89 acres.

3. The endeavor of the learned counsel for the petitioner is that the service connection is sought for in respect of a well-constructed well by the petitioner in S.No.45/1M and has got nothing to do with the suit property. However, the case of the plaintiff/4th respondent appears to be that the first defendant/petitioner has constructed a well by encroaching upon his land. In this regard, an Advocate Commissioner was appointed in I.A.No.555/2012 who has submitted his report on 04.11.2013 and it is stated that the Civil Court has granted an order of interim injunction and the matter is now pending before the Civil Court.

4. In the light of the above dispute, the question would be as to whether there is any encroachment or not which obviously cannot be decided in this writ petition. Therefore, the petitioner has to necessarily obtain appropriate orders from the Civil Court so as to enable him to pursue his application for grant of agricultural service connection.

5. With the above observation, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed

Sgl

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub-Assistant Registrar

To

1. The Superintending Engineer,
Tamil Nadu Electricity Board,
Vengikkal, Thiruvannamalai.
2. The Executive Engineer, (O&M) (West),
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Chennai - 6.

+1 C.C. To MR.M.Balasubramanian, Advocate in SR.NO.65321

W.P.No.36069 of 2015

KK(CO)
sd : 15/12/2015



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