



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.11.2015

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE **K.RAVICHANDRA BAABU**

W.P. (MD) No.3999 of 2013

and

M.P.No.1 of 2013

N.Murugavel : Petitioner

Vs.

1.The Executive Engineer,
Tamil Nadu Electricity Board,
Arasaradi, Madurai 10.

2.The Junior Engineer First Grade [Distribution],
Tamil Nadu Electricity Board,
S.S.Colony Electricity Distribution Circle,
Madurai 10.

3.N.Shanmugavel : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Certiorarified Mandamus to call for the records in pursuant to the impugned order passed by the second respondent in Letter No.E Mi Po/S.S.Colony/Ko Pe Ma/A No.308/2012, dated 09.10.2012 and quash the same and consequently direct the respondents 1 and 2 to accept the petitioner's name transfer application and issue electricity bill in petitioner's name in respect of L.T.Service Connection No.050-007-626.

For Petitioner	: Mr.M.Saravanakumar
For Respondent Nos.1&2	: Mr.S.M.S.Johny Basha Standing Counsel
For Respondent No.3	: Mr.V.Sitharanjandoss

ORDER

The petitioner is aggrieved against the order passed by the second respondent dated 09.10.2012, whereby his request for name transfer of service connection was rejected.

2. It is seen that the petitioner and the third respondent are brothers and a civil dispute in respect of the subject matter of the property ended in favour of the third respondent in O.S.No.1221 of 2004, on the file of the Principal District Munsif



Court, Madurai. It is further seen that an Executive Petition in E.P.No.267 of 2009 for executing the decree passed in the above said suit is still pending. When that being the factual position, I do not think that the petitioner can maintain the present Writ Petition challenging the order passed by the second respondent, unless and until he take steps to get the decree passed by the Civil Court set aside before the Appellate Court. On the other hand, it is stated by the learned counsel appearing for the third respondent that till this date, the petitioner has not taken any steps to challenge the said decree and allowed the same to become final. When that being the factual position, I do not find any reason to interfere with the order passed by the second respondent refusing to transfer the service connection in the name of the petitioner.

3. Accordingly, this Writ Petition fails and the same is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Per Admn)

/True Copy/

Sub Assistant Registrar

To

1.The Executive Engineer,
Tamil Nadu Electricity Board,
Arasaradi, Madurai 10.

2.The Junior Engineer First Grade [Distribution],
Tamil Nadu Electricity Board,
S.S.Colony Electricity Distribution Circle,
Madurai 10.

+1cc to Mr.V.Sitharanjandas, Advocate Sr.No.65539

+1cc to Mr.M.Saravanakumar, Advocate Sr.No.65807

nb

AA/SK-SKN/23.11.2015/2p-5c

**ORDER MADE IN
W.P. (MD) No.3999 of 2013
DATED - 16.11.2015**