

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 24-02-2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.30537 OF 2014

N.Ganesan

... Petitioner

-vs-

1.The Junior Engineer,
E&P/Town/WEst Part,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Arani, Tiruvannamalai District.

2.R.Kannan ... Respondents

Second respondent impleaded by order,
dated 24-02-2016, in W.M.P.No.5604/2016.

Petition under Article 226 of the Constitution of India, praying for issuance of a writ of certiorarified mandamus, to call for the records of the first respondent in his proceedings dated 11.07.2014, quash the same and consequently direct the first respondent to transfer the electricity service connection No.221-009-127 to the name of the petitioner.

For petitioner : Mr.R.Ashraf Khan

For respondent : Mr.M.Varunkumar

ORDER

Petitioner has filed this Writ Petition, praying for issuance of a writ of certiorarified mandamus, to quash the order passed by the first respondent, dated 11.07.2014, and to direct the first respondent to transfer the electricity service connection No.221-009-127 to the name of the petitioner.

2. Initially, this Court was of the opinion that the petitioner should implead the objector Mr.R.Kannan. Today, when the matter is taken up for hearing, a counter affidavit has been filed by the first respondent, from which it is seen that there is a suit pending before the District Munsif Court, Arani, in O.S.No.88 of 2014, in which, apart from R.Kannan, second respondent herein, there are other defendants. The said suit is one for partition. Therefore, the first

respondent has taken a stand that when the matter is pending before the Civil Court, he is unable to proceed further in the matter. Further, it is stated that the Service Connection stands in the name of Andalammal and she has died. She has two sons and one daughter as her legal heirs and one of the daughter's sons i.e., the grandson of Andalammal, namely, Kannan filed the said suit.

3. In my view, the first respondent is justified in taking the stand that he cannot act based on the petitioner's application for name transfer. Therefore, there is no error in the impugned order. However, this will not mean that the petitioner's rights are foreclosed. It is seen that no interim order is granted by the Civil Court. But, however, as the suit is one for partition and separate possession, liberty is granted to the petitioner to file an interlocutory application in the suit, impleading the first respondent herein as one of the respondents and if such application is filed, the Civil Court shall consider the same as expeditiously as possible and pass a reasoned order on merit and in accordance with law.

4. Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

dixit

To

1. The Junior Engineer, सत्यमेव जयते
E&P/Town/West Part,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Arani, Tiruvannamalai District.

2. The District Munsif, Arani.

+ 1 cc to Mr. R. Ashraf Khan, Advocate Sr.

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RSY(CO)
EU 21.03.16