

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2016

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THE HON'BLE MR. JUSTICE T.S.SIVAGNANAM

W.P.No.12144 of 2014

Palanisamy ... Petitioner
Vs.

1. The Assistant Engineer
(Operation & Maintenance)
Tamil Nadu Electricity
Generation and Distribution Co.,
Pappambadi,
Omalur Taluk,
Chinnappampatti - 636 306,

2. Periathayammal ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the 1st respondent in AE/OM/PaPa/Ka.Thali/No.277/14/dated 10.02.2014 and quash the same and consequently direct the 1st respondent to provide the electricity service connection to survey No.49/5D, Pappambadi, Komamaliyur, Omalur Taluk, Salem District.

For Petitioner : Mr.G.Suryanarayanan

For Respondent : Mr.S.K.Rameshkumar for R.1

Mr.P.Mani for R.2

O R D E R

The dispute is between the petitioner and the 2nd respondent, who is none other than his mother.

2. It appears that there was a settlement effected by the mother in favour of the petitioner, which admittedly has been cancelled. The petitioner takes a stand that the settlement deed has been acted upon and the same is not liable for cancellation. This cannot be adjudicated in this writ petition or it can be adjudicated by the 1st respondent - Assistant Engineer of the Electricity Board. Furthermore, civil suits are pending between the parties, one filed by the petitioner against his mother in O.S.No.4 of 2013 on the file of District Munsif's Court, Omalur and the other filed by the 2nd respondent against the petitioner in O.S.No.35 of 2014 on the file of District Munsif's Court,

Omalur. The applications for interlocutory orders are also pending.

3. Therefore, in the light of all these disputed questions, the matter cannot be adjudicated by the Electricity Board and the parties should seek appropriate relief either interlocutory or final, in the pending civil proceedings.

With the said observation, the writ petition is disposed of. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Assistant Engineer
(Operation & Maintenance)
Tamil Nadu Electricity
Generation and Distribution Co.,
Pappambadi,
Omalur Taluk,
Chinnappampatti - 636 306,

+1 cc to Mr.P.Mani Advocate sr.13845

+1 cc to Mr.S.K.Rameshuwar Standing Counsel
for TNEB sr.14125

सत्यमेव जयते

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