

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 26.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.15443 of 2016

B.Shivaji Rao

[PETITIONER]

Vs

1 The Assistant Engineer
Operation and Maintenance
Tamil Nadu Electricity Board
Pallavaram Division
Pallavaram, Chennai-117.

2 C.Kannadasan

3 C.Venkatesan

[RESPONDENTS]

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of mandamus to direct the first respondent to provide Single Phase Electricity Service Connection to the petitioner property situated at Zamin Pallavaram-I Village, Alandur Taluk, Kancheepuram District, comprised in Old Survey No.125/4 New Survey No.125/7 as per Town Survey Extract T.S. No.27/7 Ward 'C' Block No.25 measuring 54 cents in petitioner name within a reasonable time to be fixed by this Honourable Court.

For Petitioner : Mr.N.Sreenivasalu

For Respondents : Mr.S.K.Raameshuwar - R1
Standing Counsel

ORDER

Heard Mr.N.Sreenivasalu, learned counsel appearing for the petitioner and Mr.S.K.Raameshuwar, learned Standing Counsel accepting notice for the first respondent and with the consent of the learned counsel on either side, the Writ Petition is taken up for final disposal.

2.The petitioner has filed this Writ Petition, praying for issuance of a writ of mandamus to direct the first respondent to provide Single Phase Electricity Service Connection for the property at Zamin Pallavaram-I Village, Alandur Taluk, Kancheepuram District, comprised in Old Survey

No.125/4, New Survey No.125/7 as per Town Survey Extract T.S. No.27/7, Ward 'C' Block No.25 measuring 54 cents in his name, which he claims his own property.

3.The learned counsel for the petitioner has drawn the attention of this Court to the FMB sketch filed in the typed set of papers (page No.5), and submitted that the petitioner's property is Old Survey No.125/4 and the new Survey No.125/7, whereas the property of the respondents 2 & 3 was assigned as Old Survey No.125/7 and New Survey No.125/10. The petitioner would state that taking advantage of the Old Survey No.125/7, the respondents 2 & 3 are objecting to the petitioner's request for grant of electricity supply. Therefore, the petitioner seeks for appropriate direction from this Court to the first respondent.

4.It is seen that the respondents 2 & 3 have filed a Suit before the District Munsif Court, Alandur, wherein they have sought for a decree of permanent injunction as well as for mandatory injunction against the Tamil Nadu Electricity Board in respect of an extent of 1200 sq.ft. in Survey No.125/7 in a lay out called as Sree Bharathi Nagar in respect of 0.55 cents of land out of 1 acre and 50 cents.

5.The writ petitioner is the first defendant in the aforesaid Suit. When the Civil Suit is pending in respect of the very same issue and there is a prayer before the Civil Court, not to grant electricity connection to the petitioner/first defendant, parallelly, this Court cannot entertain this Writ Petition for issuance of a direction to the first respondent to grant electricity supply.

6.The learned counsel for the petitioner in the course of arguments submitted that the petitioner has filed an Application for rejection of Plaint and the Civil Court has not taken up such Application for hearing.

7.In the light of the fact that the parties are already agitating the matter before the Civil Court, whatever remedy the petitioner wants in the interregnum, he is at liberty to move the Civil Court by way of an Interlocutory Application, which shall be considered by the Civil Court, in accordance with law.

The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

rpa

To

1 The Assistant Engineer
Operation and Maintenance
Tamil Nadu Electricity Board
Pallavaram Division
Pallavaram, Chennai-117.

1 cc to Mr.S.K.Rameshuwar, Advocate, sr.25977

1 cc to Mr.N.Sreenivasalu, Advocate, sr.25965

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