

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2016

C O R A M

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

Writ Petition No.23573 of 2014  
and M.P.No.1 of 2014

M.Mathiyazhagan

...Petitioner

-Vs-

- 1.The Superintending Engineer  
Tamil Nadu Generation and Distribution  
Corporation Ltd., Chengalpet Electricity  
Distribution Circle  
Chengalpet  
Kanchipuram District
- 2.The Executive Engineer(Operation & Maintenance)  
Tamil Nadu Generation and Distribution  
Corporation Ltd.,  
Chengalpet Electricity Distribution Circle  
Maraimalai Nagar  
Kanchipuram District
- 3.The Junior Engineer  
Tamil Nadu Generation and Distribution  
Corporation Ltd.,  
Chengalpet Electricity Distribution Circle  
Karasankal Keezh Padappai, Sriperumbudur Taluk  
Kanchipuram District

...Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the respondents to restore Electricity Connection in service connection No.582-003-606 at Petitioner's house situated within Karasankal Section in Survey Number 424/1, Perumal Kovil Street, Keezh Padappai Village, Sriperumbudur Taluk, Kanchipuram District, within a time limit that may be specified by this Court.

For petitioner : Mr.S.Nambi Arooran  
For respondents : Mr.S.K.Rameshwar, Standing Counsel.

## O R D E R

The petitioner has filed this writ petition seeking direction to the respondents to restore Electricity Connection in service connection No.582-003-606 to the Petitioner's house situated in Karasankal Section in Survey Number 424/1, Perumal Kovil Street, Keezh Padappai Village, Sriperumbudur Taluk, Kanchipuram District.

2. In the counter affidavit filed by the 3<sup>rd</sup> respondent, it is admitted that the petitioner submitted an application for service connection for the premises in question on 08.10.2009 and the service connection bearing S.C.No.570-001-853 was effected in the name of the petitioner in the petitioner premises on 19.12.2009 and subsequently, the service connection was transferred to the Karasankal Section due to the bifurcation of Padappai Section Office on 06.04.2011 and the said service connection has been renumbered as S.C.No.582-003-606 on 30.09.2011. Thus it is seen that from December 2009 onwards, the petitioner has had the benefit of Electricity Service Connection.

3. It appears that there is some dispute between the petitioner and Sadhasivam and two others is pending before the District Munsif cum Judicial Magistrate, Sriperumbudur in O.S.Nos.1013 and 1614 of 2008. From the counter affidavit, it is further seen that Sadhasivam has broke open the meter box, iron pillar and connected wires and a criminal complaint has been lodged and that has been acknowledged as C.S.R.136/2013, however, the fate of such complaint is not known, since the third respondent has not produced any material to the said aspect. Further, in respect of the pending litigation before the District Court, Sriperumbudur, it is stated that there is no interim order granted by the Civil Court granting restoration of Electricity connection. Therefore, in my view, the Electricity Service Connection effected at the petitioner premises and prevailing since 19.12.2009 should be restored and status quo shall be maintained. Accordingly, the Writ Petition is disposed of directing the 2<sup>nd</sup> respondent to restore the Electricity Service Connection, which was prevailing in the petitioner premises from 19.12.2009 and the 2<sup>nd</sup> respondent shall also abide by any direction or orders that will be passed in pending O.S.Nos.1013 and 1614 of 2008 on the file of District Munsif cum Judicial Magistrate, Sriperumbudur or in any Interlocutory Applications filed in the said suit.

4. Since the said Sadhasivam has not been impleaded as party/respondent in this writ petition, this order/direction will not in any way prejudice the rights of Sadhasivam in the pending civil suit, which shall be decided by the Civil Court, based on oral and documentary evidence produced by him.

5. The second respondent shall restore the Electricity Service Connection, which was prevailing in the petitioner premises from 19.12.2009 within three weeks from the date of receipt of a copy of this order and status quo shall be maintained until further orders to be passed in the pending civil suits. The Writ Petition is disposed of accordingly. No costs. Consequently, connected M.P.No.1 of 2014 is closed.

-s/d-  
Assistant Registrar

True Copy

Sub-Assistant Registrar

nvsri  
To

- 1.The District Munsif Cum Judicial Magistrate  
Sriperumbudur
  - 2.The Superintending Engineer  
Tamil Nadu Generation and Distribution  
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Distribution Circle  
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Karasankal Keezh Padappai, Sriperumbudur Taluk  
Kanchipuram District
- +1 cc to Mr.S.Nambi Arooran Advocate sr.8626  
+1 cc to Mr.S.K.Rameshuwar Advocate sr.8504

W.P.No.23573 of 2014

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