

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 28.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.16309 of 2016

R. Jeevanantham

[PETITIONER]

Vs

The Assistant Engineer
Tamil Nadu Electricity Board
Velachery Sub Station
Velacherry, Chennai 600 042.

[RESPONDENT]

Prayer : This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, to direct the respondent to consider the representation dated 31/03/2016 of the petitioner and provide permanent electricity service to the petitioners land in Survey No.316/6 Balakrishna Nagar, Velacherry, Chennai 600 042.

For Petitioner : Mr.I.Sathish

For Respondents :Mr.S.K.Rameshuwar
Standing Counsel

O R D E R

Heard Mr.I.Sathish, learned counsel appearing for the petitioner and Mr.S.K.Rameshuwar, learned Standing Counsel appearing for the respondent. By consent of the learned counsel on either side, the Writ Petition is taken up for final disposal.

2.The petitioner seeks for issuance of a writ of Mandamus to direct the respondent to consider the representation dated 31/03/2016 of the petitioner and provide permanent electricity service to the petitioners land in Survey No.316/6 Balakrishna Nagar, Velacherry, Chennai 600 042.

3.The petitioner claims to be in occupation of the property in question, by virtue of a registered power of attorney executed in his favour on 24.12.2010 registered as document NO.1402/10 on the file of Sub Registrar, Velacheri.

4. During the course of arguments, it is submitted that one Thiagarajan, is objecting to the grant of electricity supply to the petitioner and the petitioner has also filed a Suit against him in O.S.No.2509 of 2016 and the Civil Court in I.A.No.6369 of 2016, granted an order of ad interim injunction till 03.06.2016, by order dated 26.4.2016. However, in this writ Petition, the petitioner has not impleaded the said Thiagarajan, as a party respondent.

5. In the light of the above, no direction as sought for by the petitioner in this Writ Petition can be granted. However, petitioner is permitted to appear before the respondent, produce documents including the Civil Court Order and if the same is done, the respondent shall issue notice to the petitioner and the objector Thiagarajan, and consider the petitioner's representation dated 31.03.2016 and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date on which the petitioner produced all the documents before the respondent, in terms of the above direction.

The Writ Petition is disposed of with the above observations. No costs.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

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To

The Assistant Engineer
Tamil Nadu Electricity Board
Velachery Sub Station
Velacherry, Chennai 600 042.

1 cc to Mr.I.Sathish, Advocate, sr.27132
1 cc to Mr.S.K.Rameshuwar, Advocate, sr.26762

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lrs co
kra 09.05.2016