

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 01-02-2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.27776 OF 2014

M/s.Naveen Transport Pvt.Ltd.,
Old No.174, New No.318,
Sivagami Complex,
Thambu Chetty Street,
Chennai-600 001,
rep.by its Managing Director,
Mr.A.Balan

...Petitioner

-vs-

1.The Executive Engineer,
Chennai Electricity Circle North,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Perambur Section,
75, Paper Mills Road,
Chennai-600 011.

2.The Assistant Engineer,
Chennai Electricity Circle North,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Lakshmipuram Section,
Cuddapah Road,
Lakshmipuram Village,
Chennai-600 099.

3.U.Padmanabhan

...Respondents

Petition under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus, directing the respondents 1 and 2 to process the application, dated 20.12.2013, submitted by the petitioner, seeking power supply connection and grant power supply connection for their property at Plot No.34, Lakshmipuram, Redhills Road, Chennai-600 009, measuring 26.5 cents, comprised in Survey No.1460/4A present Survey No.1460/4A1A, Madhavaram Village, Madhavaram Taluk, covered in Patta RPT No.11124/2009.

For petitioner : Mr.S.Thankasivan

For respondents 1 & 2 : Mr.P.R.Dhilip Kumar

For respondent 3 : Mr.R.Ilanchizhian

O R D E R

The petitioner seeks for electricity supply connection to his property. According to him, he has satisfied all the conditions put forth by the respondent Corporation for the electricity connection, and produced the necessary documents in his possession, to establish his title over the property.

2. The third respondent appears to have objected to the grant of electricity supply, on the ground, that the petitioner has filed civil suits; one in O.S.No.49 of 2012 on the file of Sub-Court, Ponneri; and the other in O.S.No.43 of 2014, on the file of District Munsif Court, Tiruvottiyur.

3. Admittedly, no interim order is granted in the said civil suits. While the suit before the Sub-Court, Ponneri, is for a bare injunction, the suit before the District Munsif Court, Tiruvottiyur, is also for a bare injunction. In such circumstances, as long as there is no prohibitory order against the respondent Corporation from considering the petitioner's application for grant of electricity supply, there is no reason for the Corporation to refuse even to consider the said application. In any event, the electricity connection, to be granted to the petitioner, would be subject to the ultimate decision of the Civil Courts. In this regard, it is always open for the respondent Corporation to get an indemnity bond from the petitioner and, thereafter, consider his application.

4. Accordingly, this Writ Petition is disposed of, directing the second respondent to consider the application of the petitioner, dated 20.12.2013, for grant of electricity supply, subject to the ultimate decision, that may be rendered in the civil suits, and, if necessary, the respondent may obtain appropriate indemnity bond from the petitioner, to safeguard the interest of the Corporation. The said exercise shall be completed by the second respondent, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected M.P.No.1 of 2014 is closed.

5. It is made clear, that merely because electricity supply is granted to the petitioner, it will, in no way, prejudice the stand taken by the third respondent in the civil

suits, and it is open for the third respondent, to agitate the matter before the Civil Courts, in accordance with law.

sd/-
Assistant Registrar(co)

/TRUE COPY/

Sub-Assistant Registrar

dixit

To

1.The Executive Engineer,
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Tamil Nadu Generation and Distribution
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Chennai-600 099.

+1 CC to MR.S.Thankasivan Advocate. SR.NO.6491

+1 CC to MR.P.R.Dhilip Kumar Advocate. SR.NO.6470

W.P.No.27776 OF 2014

CO-RSI
JD 08/02/2016

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