

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 05.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.7689 of 2013 &

M.P.No.1 of 2013

V.Sivagami ... Petitioner

Versus

1.The Assistant Engineer  
Tamil nad Electricity Board  
Puzhal, Chennai 600 066.

2.K.Varadharajan ... Respondent

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, to forbear the first respondent from providing electricity connection to the second respondent in respect of the property in question i.e. No.20, Gangadharan Street, Puzhal, Chennai 600 066.

For Petitioner : Mr.R.Dhamodaran

For Respondents : Mr.P.R.Dhilip Kumar - R1  
Standing Counsel  
Mr.D.Irusappan - R2

O R D E R

Heard Mr.R.Dhamodaran, learned counsel appearing for the petitioner, Mr.P.R.Dhilip Kumar, learned Standing Counsel appearing for the first respondent, Mr.D.Irusappan, learned counsel appearing for the second 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 forbear the first respondent from providing electricity connection to the second respondent in respect of the property in question i.e. No.20, Gangadharan street, Puzhal, Chennai 66.

3.At the time when the writ petition was filed, the petitioner pointed out that the second respondent suppressing the fact that two Suits are pending in O.S.No. 177 of 2009 and O.S.No.229 of 2010, on the file of the District Munsif Court, Thiruvottiyur, had filed a Writ Petition in W.P.No. 4339 of 2013, which was disposed of by this Court, by an order dated 22.02.2013.

4.It is submitted that the Suit in O.S.No.177 of 2009 has been decreed and the decision is in favour of the petitioner. If that be the case and it being a subsequent development, the petitioner is entitled to bring the same to the notice of the first respondent to enable him to take action in accordance with law.

5.Accordingly, the petitioner is directed to produce the copy of the Judgment and Decree, which she has secured from the Civil Court before the first respondent, to establish her case and after hearing the petitioner and the second respondent in person, the first respondent shall pass necessary orders on merits and in accordance with law, within a period of four weeks from the date on which the petitioner produces the copy of the Decree obtained by her from the Civil Court in O.S.No.177 of 2009.

The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

-s/d-  
Assistant Registrar

True Copy

WEB COPY  
Sub-Assistant Registrar

rpa  
To

1.The Assistant Engineer  
Tamil nad Electricity Board  
Puzhal, Chennai 600 066.

+1 cc to Mr.P.R.DhilipKumar Advocate sr.21905

W.P.No.7689 of 2013

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