

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.04.2016

Coram

The Hon'ble Mr.Justice T.S.Sivagnanam

Writ Petition No.1965 of 2016

and

W.M.P.No.1714 of 2016

R.Pradeesh

...Petitioner

Vs.

1. The Assistant Engineer,
Tamil Nadu Electricity Board,
Koyambedu Section,
Arumbakkam, Chennai - 600 106.
2. The Chairman
Tamil Nadu Electricity Board,
Annasalai, Chennai - 600 002.
3. Mr.S.Sakthivel
4. Mr.P.Gopikumar

R-4 impleaded as per order
passed by this Court
in W.M.P.No.5794/2016 of this
W.P.dt. 14.3.16.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the first and second respondents to pass a considered order on the application given by the petitioner on 16.12.2015, and consequential relief, by way of direction, directing the first and second respondents not to give electricity service connection in favour of the third respondent or his nominee pertaining to the petition property, situated at Chennai District, Kodambakkam Sub Registration District, Egmore-Nungambakkam Taluk, Puliur Village, Thailammal Kamakshi Nagar, Thiru Kumarapuram 5th Street, Plot No.12, part, comprised in S.No.19/9, Block No.1, Patta No.453/89-90, measuring an extent of 2014 sq.ft.

For Petitioner : Mr.T.Ramachandran

For Respondents 1 & 2: Mr.P.R.Dilipkumar
Standing Counsel

For Respondents 3 : Mr.V.Manohar

O R D E R

Heard Mr.T.Ramachandran, the learned counsel appearing for the petitioner and Mr.P.R.Dilipkumar, the learned Standing Counsel for respondents 1 and 2 and Mr.V.Manohar, learned counsel for third respondent.

2. The Writ Petition has been filed, objecting to the grant of electricity service connection to third respondent's property.

3. It is stated that the petitioner is lawfully entitled to the property, and suit proceedings are pending. On the other hand, third respondent would state that he has absolute right over the property. In any event, the dispute is now before the Civil Court, and the suit is pending. Therefore, in the interregnum, if the petitioner seeks for any remedy, then, he has to approach the Civil Court by moving an Interlocutory Application in the suit, and seek for necessary remedy. Hence, at this stage of the matter, no direction, as sought for by the petitioner can be granted. However, this will not prevent the petitioner from moving the Civil Court seeking for appropriate remedy.

4. With the above observation, the Writ Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

सत्यमेव जयते
Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sd

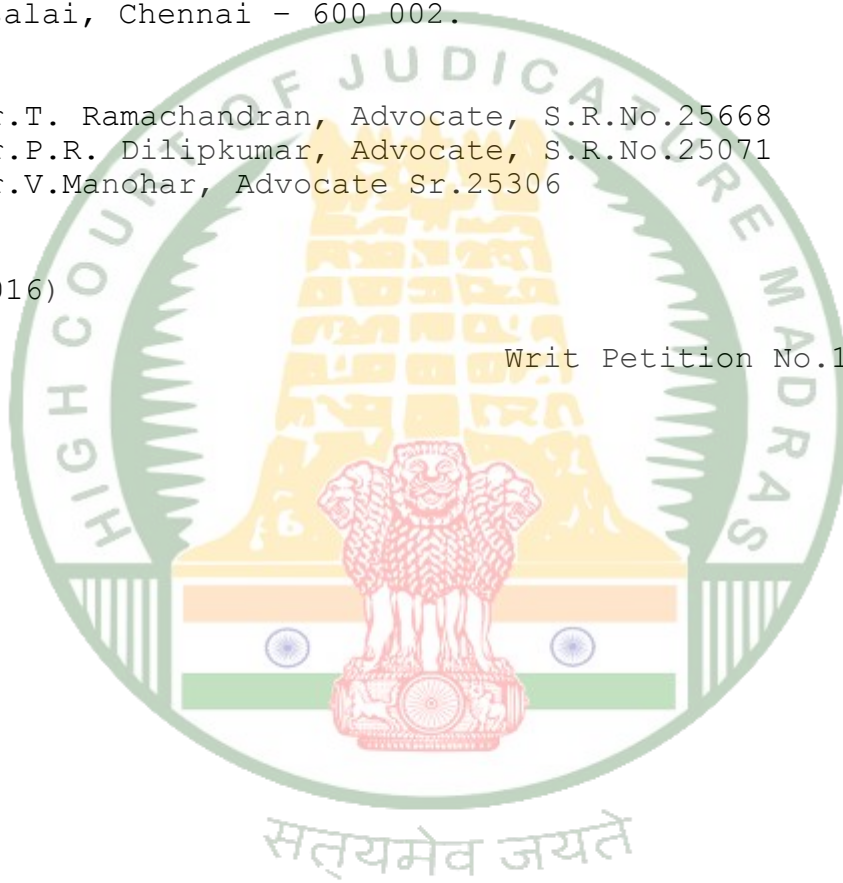
To

1. The Assistant Engineer,
Tamil Nadu Electricity Board,
Koyambedu Section,
Arumbakkam, Chennai - 600 106.
2. The Chairman
Tamil Nadu Electricity Board,
Annasalai, Chennai - 600 002.

+1cc to Mr.T. Ramachandran, Advocate, S.R.No.25668
+1cc to Mr.P.R. Dilipkumar, Advocate, S.R.No.25071
+1cc to Mr.V.Manohar, Advocate Sr.25306

GJ(CO)
EU(2/05/2016)

Writ Petition No.1965 of 2016



WEB COPY