

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-02-2016

CORAM:

THE HONOURABLE MR. JUSTICE T.S. SIVAGNANAM

W.P.No.4261 of 2015

Ameenal Beevi

.. Petitioner

Vs

1. The Chairman
Tamil Nadu Electricity Board
Anna Salai
Chennai - 600 002
2. The Superintending Engineer
Tamil Nadu Electricity Board
Tirunelveli - 627 011
3. The Assistant Engineer
Tamil Nadu Electricity Board
Tirunelveli District

.. Respondents

Writ Petition under Article 226 of the Constitution of India praying for a writ of mandamus to direct the first respondent to consider the petitioner's representation dated 27-01-2015 and to take necessary action according to law and pass orders.

For petitioner : Mr. G.Vijayaraghavan

For respondent : Mr. S.K. Parameshwar

ORDER

The prayer in the writ petition is to direct the first respondent to consider the petitioner's representation dated 27-01-2015.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

3. Reference may be made to the order dated 23-02-2015, which reads thus:

"Mr.P. Gunaraj, learned counsel takes notice for the respondents and submits that the respondents had already considered the application given by the petitioner and passed orders on 17-02-2015 rejecting the application for the reason that in a Civil Suit in O.S.No.486/91 on the

file of the District Munsif had granted an order of injunction restraining the Electricity Board from giving service connection to the suit property. The learned counsel for the petitioner sought a week's time for getting instructions with regard to the submission made by the learned counsel for the respondent. Post next week."

3. The learned counsel appearing for the petitioner on receipt of the counter-affidavit submits that he is not aware of the pendency of the civil suit.

4. From the counter affidavit it is further seen that the petitioner has failed to produce any documents to show that he is the owner of the disputed property. Thus, when there is an order of injunction operating against the Electricity Board from granting any electricity connection to the said premises, the question of issuing a writ of mandamus as sought for does not arise. As noted by this Court in its earlier order, the petitioner's application has already been rejected on 17-02-2015 and this order has not been challenged by the petitioner. Hence for all the above reasons, the prayer sought in the petition cannot be granted.

5. In the result, the writ petition is dismissed. No costs. The connected miscellaneous petition is also dismissed.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

glp

To

1. The Chairman
Tamil Nadu Electricity Board
Anna Salai Chennai - 600 002

2. The Superintending Engineer
Tamil Nadu Electricity Board
Tirunelveli - 627 011

3. The Assistant Engineer
Tamil Nadu Electricity Board
Tirunelveli District

1 cc to M/s.G. Vijayaraghavan, Advocate, sr. 7981

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