

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

REVIEW APPLICATION NO.39 OF 2016
IN W.P.NO.28490 OF 2014

S.Mercy Rani ... Petitioner

Vs.

1.The Assistant Engineer
E & PA / Ambattur Circle
Tamil Nadu Electricity Board
Chennai - 600 053.

2.The Executive Engineer
O&M / Ambattur
TANGEDCO, 3rd Main Road,
S.S. Campus, Ambattur Industrial Estate,
Chennai - 600 058.

3.C.Ravikumar ... Respondents

PRAYER: Petition filed Under Order XLVII Rule 1 read with Sections 114 and 151 CPC praying to review the order dated 06.11.2015 passed by this Court in W.P.No.28490 of 2014.

For Petitioner : Mr.R.Srinivas

For Respondents : Mr.P.R.Dhilip Kumar
1 and 2

For Respondent 3 : Mr.K.A.Mariappan

ORDER

This review application has been filed to review the order and direction issued by this Court in W.P.No.28490 of 2014 dated 06.11.2015.

2.The petitioner herein has filed the writ petition in W.P.No.28490 of 2014 to set aside the communication of the first respondent dated 03.09.2014 and for a consequential direction to provide electricity service connection. Since it was represented that there was a suit pending between the parties, this Court rejected the prayer of the petitioner and directed the parties to approach the Civil Court.

3.It is pointed out by the learned counsel for the petitioner that the previous counsel did not bring to the notice of this Court that in the said suit in O.S.No.550 of 2013, which is pending on the file of the District Munsif Court, Ambattur, the petitioner herein is not a party. In the light of the said factual error, the order passed in the writ petition has definitely to be modified. Since the petitioner claims electricity service connection as a bonafide purchaser of the property in question, so as to ascertain as to how she is the owner of the property and since the allegation against the petitioner that civil suits are pending in respect of the property in question, the

documents were directed to be produced and the same were produced it is alleged that they are fraudulent transactions. The petitioner Mercy Rani denies the same, whereas the third respondent would state that there is no semblance of any legal right for the petitioner over the property in question. In any event, the first respondent has not foreclosed the avenues of the petitioner nor has outrightly rejected the objection of the third respondent. Therefore, the proper course to be adopted is for the first respondent to decide the matter one way or other, on the documents being placed before it.

4.The review application is partly allowed and the order in W.P.No.28490 of 2014 dated 06.11.2015 is modified by directing the first respondent, Assistant Engineer, to decide the matter, on the parties producing the necessary documents, for which purpose, the petitioner is directed to produce the documents showing her title over the property and establish lawful possession thereof, within a period of two weeks from the date of receipt of a copy of this order. On such production, notice shall be issued to the third respondent and both the parties i.e. the petitioner as well as the third respondent, will be entitled to an opportunity of personal hearing and thereafter, the first respondent shall pass a speaking order, on merits and in accordance with law. It is made clear that the first respondent should not, in

any manner, be influenced by any of the earlier orders passed nor the observations made in this order and should independently decide the matter, based on the documents to be produced by the parties. No costs.

11.04.2016

Index : Yes/No
Internet : Yes/No
TK

To

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T.S.SIVAGNANAM, J.

TK

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