

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2016

CORAM

THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM

Writ Petition No.17121 of 2010
&
M.P.No.1 of 2011

1.K.Subramaniam

2.K.Vadivel

... Petitioners

Vs.

1.The District Collector
Erode & District

2.The Superintendent Engineer, (O&M)
Tamilnadu Electricity Board
Gobi Distribution Circle
Gobichettipalayam
Erode District

3.The Executive Engineer, (O&M)
Tamilnadu Electricity Board
Gobi South
Gobichettipalayam
Erode District

4.The Assistant Executive Engineer, (O&M)
Tamilnadu Electricity Board
Gobi South
Gobichettipalayam
Erode District

5.Nagamuthu

6.Marappa Gounder

7.U.K.Shanmugam

8.N.S.Velliangiri

9.M.Ramasamy

... Respondents

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Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents 2 to 4 to give electricity service connection to the bore well situate in petitioner's land in Re-survey No.90 of Nagadevanpalayam village, Gobichettipalayam Taluk, Erode.

For Petitioners : Mr.I.C.Vasudevan

For Respondents : Mr.S.K.Rameshwar for R2 to 4
Mr.M.Narayanasamy for R5,6 and 9
Mr.V.Anandamoorthy for R7 and R8

ORDER

Petitioner has filed this petition seeking issuance of writ of mandamus directing the respondents 2 to 4 to give electricity service connection to the bore well situate in petitioner's land in Re-survey No.90 of Nagadevanpalayam village, Gobichettipalayam Taluk, Erode.

2. Admittedly, the private respondents had obtained an decree of permanent injunction from granting any electricity service connection or drawing any lines over the property in question. Another suit has also been filed in O.S.No.205 of 2007. As long as the decree has not been set aside in the manner known to law, no direction can be issued to the respondent Board to issue electricity service connection. If the petitioner was aggrieved by the ex-parte decree obtained by the private respondents against the respondent Board without impleading him, he should have taken steps to get himself impleaded and sought for setting aside the ex-parte decree.

3. Learned counsel for the private respondents submitted that the petitioner had sought for impleadment and the impleadement petition has been dismissed and it is stated that Revision petition has been filed.

4. In the light of the above factual position, the relief sought for in this writ petition cannot be granted and is accordingly dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1.The District Collector
Erode & District

2.The Superintendent Engineer, (O&M)
Tamilnadu Electricity Board
Gobi Distribution Circle
Gobichettipalayam
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3.The Executive Engineer, (O&M)
Tamilnadu Electricity Board
Gobi South
Gobichettipalayam
Erode District

4.The Assistant Executive Engineer, (O&M)
Tamilnadu Electricity Board
Gobi South
Gobichettipalayam
Erode District

+1cc to Mr.M.Narayanasamy, Advocate, S.R.No.15608
+1cc to Mr.S.K.Rameshwar, Advocate, S.R.No.15855
+1cc to Mr.I.C.Vasudevan, Advocate, S.R.No.15974
+1cc to the Government Pleader, S.R.No.15704

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SAI (CO)
CA(23/03/2016)

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