

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2016

CORAM

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.A.No.340 of 2016
and
C.M.P.No.5036 of 2016

U.Padmanaban

.. Appellant

Vs.

- 1.M/s.Naveen Transport Pvt. Ltd.,
represented by its
Managing Director Mr.A.Balan,
Old No.174, New No.318,
Sivagami Complex,
1st Floor, Thambu Chetty Street,
Chennai-01.
- 2.The Executive Engineer,
Chennai Electricity Circle North,
T.N.Generation & Distribution Corporation Ltd.,
Perambur Station,
75, Paper Mills Road, Chennai-11.
- 3.The Assistant Engineer,
Chennai Electricity Circle North,
T.N.Generation & Distribution Corporation Ltd.,
Lakshmipuram Section, Cuddapah Road,
Lakshmipuram Village,
Chennai-99.

.. Respondents

Writ Appeal preferred under Clause 15 of the Letters Patent
challenging the order dated 01.02.2016 passed in W.P. No.27776 of
2014.

Petition filed under Article 226 of the Constitution of
India, praying for issuance of a writ of mandamus directing the
respondents 1 & 2 to process the application dated 20.12.2013
submitted by the petitioner seeking power supply connection and
grant power supply connection for their property at Plot No.34
Lakshmipuram Redhills Road Chennai-99 measuring 26.5 cents
comprised in Survey No.1460/4A present Survey No.1460/4A1A
Madhavaram Village Madhavaram Taluk covered in Patta RPT
No.11124/2009.

For appellant Ms.B.Lilly

For respondents Mr.P.R.Dilipkumar for RR2 and 3

JUDGMENT

(delivered by SATISH K. AGNIHOTRI, J.)

The present intra-court appeal is directed against the order dated 1st February, 2016 passed in W.P.No.27776 of 2014, whereunder the writ petition filed by the first respondent herein was disposed of, directing the third respondent herein to consider the first respondent's application dated 20th December, 2013 for the grant of electricity supply subject to the ultimate decision that may be rendered in the civil suits. It was further observed that the third respondent may obtain appropriate indemnity bond also, if necessary, from the first respondent to safeguard the interest of the Corporation.

2 The instant appeal is filed by the third respondent in the writ petition, questioning the justification of the order on the ground that the direction to consider the application for electricity supply may prejudice the civil suit, being O.S.No.49 of 2012 on the file of the Sub Court, Ponneri and the other suit, being O.S.No.43 of 2014 on the file of the District Munsif Court, Tiruvottiyur between the parties. It is further contended that the direction to grant electricity supply may be interpreted to the advantage of the first respondent herein. Thus, the impugned order deserves to be set aside.

3 The second and third respondents are represented through Mr.P.R.Dilipkumar, learned counsel. The learned counsel submits that the electricity supply has already been granted.

4 Be that as it may, we have examined the case from all angles. The direction to consider the application for the grant of electricity supply is subject to the ultimate decision to be rendered in the civil suits. It was further observed by the learned Single Judge that the electricity supply so granted would not prejudice the stand taken by the third respondent in the civil suits. However, we deem it fit and proper to clarify further that any observation or direction made in the writ petition shall not be construed as an observation made on merits. The civil suits shall be decided on its own merit and in accordance with law.

5 With the aforesaid observations, the writ appeal stands disposed of. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

vvk

To

- 1.The Executive Engineer,
Chennai Electricity Circle North,
T.N.Generation & Distribution Corporation Ltd.,
Perambur Station,
75, Paper Mills Road, Chennai-11.
- 2.The Assistant Engineer,
Chennai Electricity Circle North,
T.N.Generation & Distribution Corporation Ltd.,
Lakshmipuram Section, Cuddapah Road,
Lakshmipuram Village,
Chennai-99.

1 cc to Mr.P.R. Dhilipkumar, Advocate, S. 17854

W.A.No.340 of 2016

VD (CO)
kk 6/4

WEB COPY