

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.04.2016

Coram

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

Writ Petition No. 2823 of 2016  
and  
W.M.P.No.2367 of 2016

Jeyandran Daniel Moses

...Petitioner

Vs.

1. TANGEDCO  
rep. by Chairman,  
NPKRR Maaligai,  
144, Anna Salai, Chennai - 600 002.
2. The Assistant Executive Engineer/O & M,  
Indira Nagar Subdivision,  
Adyar Division.
3. Mr.J.P.Malhotra
4. The Assistant Engineer,  
O & M/Panaiyur,  
CEDC/South, TANGEDCO,  
Chennai - 600 119.  
(R-4 impleaded as per order passed today  
in W.M.P.N.5613 of 2016, of this W.P.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the second respondent to restore the electricity service connection for the petitioner (Consumer No.093280022869) in Plot No.266, Sea Shore Town, 8th Avenue, 3rd Main Road, Panaiyur, Chennai and to pass orders in accordance with law.

For Petitioner : Mr.C.Vigneswaran

For Respondents 1, 2 & 4 : Mr.S.K.Rameshwar  
Standing Counsel

For Respondent - 3 : Mr.N.Baskaran

O R D E R

Heard the learned counsels appearing for the parties.

2. The petitioner seeks for restoration of electricity service connection to the small shed put up by him in the property, which is said to have been purchased by him. The petitioner produced certain documents to secure electricity service connection, which includes patta, which has been filed in page Nos.26 and 27 of the typed-set of papers.

3. The fourth respondent, who is the objector, states that the third respondent has been granted patta by the Tahsildar, however, the petitioner, by using certain other documents, was able to secure patta in his favour, and based on the objection given by the third respondent, patta was cancelled and that cancelled patta was produced before the Electricity Board for securing electricity service connection. That apart, it is stated that a Civil Suit has been filed by the third respondent in O.S.No.350 of 2015, on the file of the Additional District Munsif Court, Alandur, and the same is pending. In the said suit proceedings, an Interlocutory Application has been taken out by the third respondent, wherein, the allegation is that the petitioner is dragging on the matter deliberately. In the interregnum, now the petitioner has filed this Writ Petition.

4. As long as there is a civil dispute pending between the parties, the question of granting any permission for electricity supply or restoring electricity supply, does not arise in this case. The argument of the learned counsel appearing for the petitioner that the petitioner will furnish indemnity bond and the respondent/Board may be directed to give electricity service connection is not feasible for consideration in the facts and circumstances of the case, since patta, which is the document of possession itself, does not stand in the name of the petitioner. Therefore, no relief can be granted.

5. In the result, the Writ Petition is dismissed and the petitioner shall abide by the decision in the civil proceedings. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Asst.Registrar (AS)

/true copy/

Sub Asst. Registrar

sd

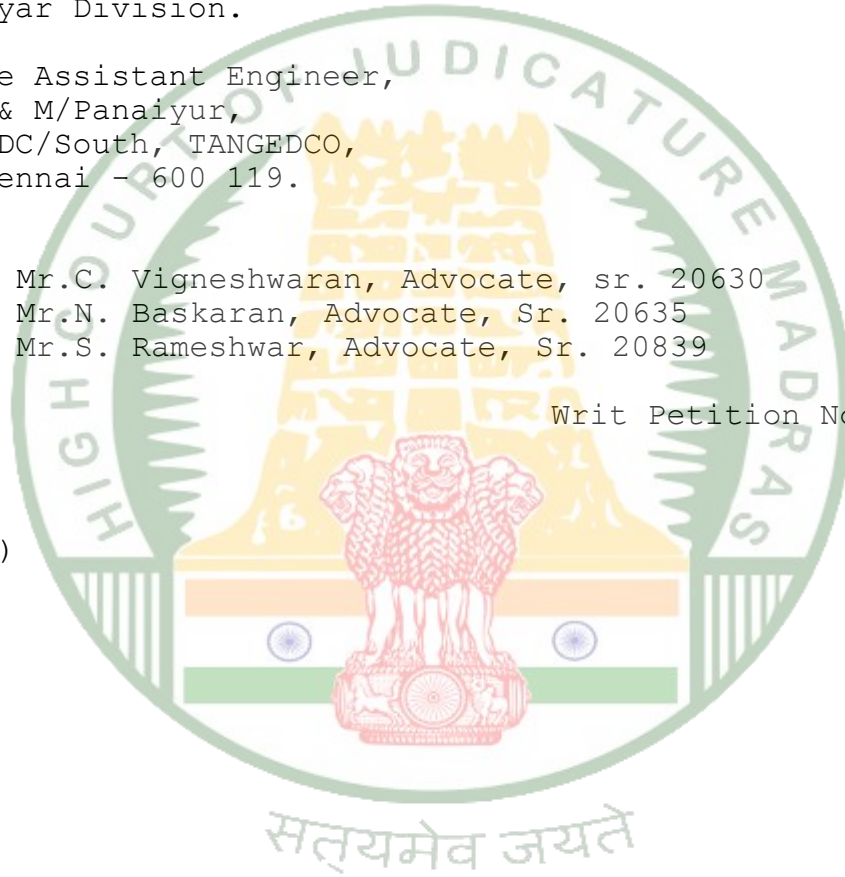
To

1. The Chairman  
TANGEDCO  
NPKRR Maaligai,  
144, Anna Salai, Chennai - 600 002.
2. The Assistant Executive Engineer/O & M,  
Indira Nagar Subdivision,  
Adyar Division.
3. The Assistant Engineer,  
O & M/Panaiyur,  
CEDC/South, TANGEDCO,  
Chennai - 600 119.

- 1 cc to Mr.C. Vigneshwaran, Advocate, sr. 20630  
1 cc to Mr.N. Baskaran, Advocate, Sr. 20635  
1 cc to Mr.S. Rameshwar, Advocate, Sr. 20839

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SVI (CO)  
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