IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.02.2016

Coram :

THE HONOURABLE MR. JUSTICE T.S. SIVAGNANAM

W.P.No. 4719 OF 2016

Ponnaya
W/o.Pongiyannan [PETITIONER]

Vs

1 The Executive Engineer(O&M)
Tamilnadu Generation and Distribution Corporation Ltd.
Paramathi Velur, Namakkal District.

2 The Assistant Executive Engineer (O&M)
Tamilnadu Generation and Distribution Corporation Ltd.
Kabilar Malai, Paramathi Velur
Namakkal District.

3 The Assistant Engineer(O&M)
Tamilnadu Generation and Distribution
Corporation Ltd.
Jeelarpalayam, Paramathi Velur Taluk
Namakkal District.

4 Chinnammal

[RESPONDENTS]

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus to direct the first respondent herein to provide Electricity Service connection to the petitioners Agricultural Pump Set comprised in Survey No.178/2 situated in Sirunalli Kovil Village, Paramathivelur Taluk, Namakkal District under priority of widow category.

For Petitioner : Mr.R.Rajesh

For Respondents : Mr.S.K.Rameshuwar - R1 to R3

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O R D E R

Heard Mr.R.Rajesh, learned counsel for the petitioner and Mr.S.K.Rameshuwar, learned counsel accepting notice for the respondents 1 to 3 and with the consent of the learned counsel appearing on either side, the Writ Petition is taken up for final disposal.

2.The petitioner seeks for a direction upon the first respondent to provide Electricity Service connection to her Agricultural Pump Set comprised in Survey No.178/2 situated in Sirunalli Kovil Village, Paramathivelur Taluk, Namakkal District, under priority of widow category.

3.In paragraph No.5 of the affidavit filed in support of the Writ Petition, the petitioner has stated that the fourth respondent has filed a Suit in O.S.No.120 of 2015, on the file of the District Munsif Court, Paramathi, to restrain the respondents 1 to 3 from irrigating the water in the common well by effecting any new connection to the common well by effecting new connection to the common well and the petitioner and her son are also parties to the said Suit.

4.In the light of the fact that a Civil Suit is pending between the petitioner and the fourth respondent, no positive direction as sought for can be granted in this Writ Petition.

5.Accordingly, the Writ Petition fails and the same is dismissed. However, this will not prevent the petitioner and her son in approaching the Civil Court for appropriate relief. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

rpa

To

1 The Executive Engineer(O&M)
Tamilnadu Generation and Distribution Corporation Ltd.
Paramathi Velur, Namakkal District.

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2 The Assistant Executive Engineer (O&M)
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Jeelarpalayam, Paramathi Velur Taluk
Namakkal District.

+ 1 cc to Mr.S.K.Rameshuwar Advocate sr.8577
+ 1 cc to Mr.R.Rajesh Advocate sr.8423

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