

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.02.2016

CORAM

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

WP.No.7375/2016 & WMP.No.6582/2016

J.Sethulingam

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Petitioner

Versus

1.The Chairman
Tamil Nadu Electricity Board
No.860, Anna Salai, Chennai 600002.

2.The Assistant Engineer [O&M]
Tamil Nadu Electricity Board
Madhuranthakam.

3.The Junior Engineer [O&M]
Tamil Nadu Electricity Board
Madhuranthakam.

4.Pushparani

5.J.Roopalingam

...

Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent pertaining to his proceedings in க.எண்.உ.பொ/ந/மது/கோ.தனி/அ.எண் 182-2016 dated 19.02.2016, quash the same, and consequently, direct the respondents 1 to 3 to grant electricity service connection to the property situated in S.No.1033/11A2, by considering the petitioner's application dated 18.02.2016.

For Petitioner : Mr.P.Valliappan

For RR 1 to 3 : Mr.S.K.Rameshwar

ORDER

Heard the learned counsel for the petitioner ; Mr.S.K.Rameshwar, learned counsel accepting notice on behalf of the respondents 1 to 3 and with their consent, the writ petition is taken up for final disposal at the admission stage. Since the writ petition is disposed of at the admission stage, notice to the respondents 4 and 5 is dispensed with.

2 The petitioner seeks to quash the order passed by the 2nd respondent dated 19.02.2016 and with a further prayer to direct the respondents 1 to 3 to grant electricity service connection to his property situated in S.No.1033/11A2.

3 Admittedly, there is a civil litigation between the petitioner and respondents 4 and 5, which is now pending before the Principal District Court, Kanchipuram, in OS.No.156/2015. In the meantime, the petitioner seeks for electricity service connection in his name. The 2nd respondent, by the impugned order, has rightly directed the petitioner to obtain "No Objection Certificate" from the respondents 4 and 5 who are the parties to the suit and to produce other records. The petitioner has approached this Court by contending that the question of obtaining "No Objection Certificate" from the respondents 4 and 5 is impossible since there is a civil dispute pending between the parties. If that be so, the petitioner has to obtain appropriate direction from the Civil Court so that his claim could be considered by the Electricity Board, pending disposal of the suit.

4 Therefore, this Court finds no error in the impugned order. Accordingly, the writ petition fails and the same is dismissed. No costs. However, this will not prevent the petitioner from moving the Civil Court for appropriate relief. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1.The Chairman
Tamil Nadu Electricity Board
No.860, Anna Salai, Chennai 600002.

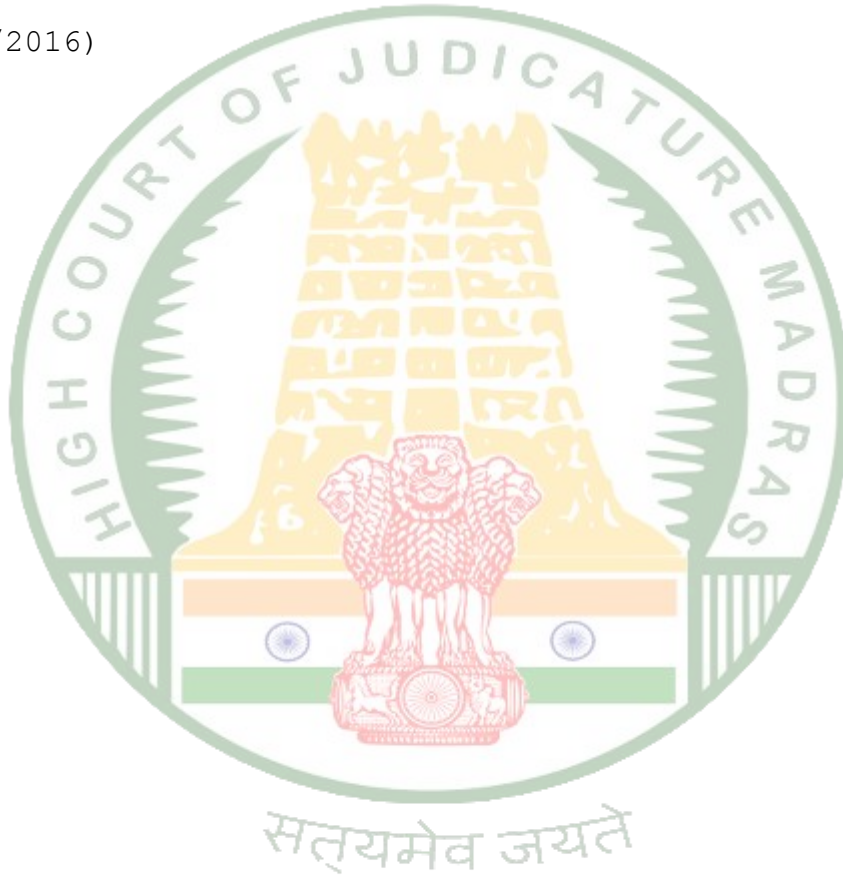
2.The Assistant Engineer [O&M]
Tamil Nadu Electricity Board
Madhuranthakam.

3.The Junior Engineer [O&M]
Tamil Nadu Electricity Board
Madhuranthakam.

+1cc to Mr.P.Valliappan, Advocate, S.R.No.12858
+1cc to Mr.S.K.Rameshkumar, Advocate, S.R.No.12536

WP.No.7375 of 2016

rsk(CO)
srg(09/03/2016)



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