



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.06.2016

CORAM

THE HONOURABLE **MR. JUSTICE T. RAJA**

W.P(MD) .No.11080 of 2016

and

W.M.P. (MD) .No.8518 of 2016

Amar

... Petitioner

Vs.

1.The Assistant Engineer,  
Tamil Nadu Electricity Board (TANGEDCO),  
Thiruverumpur, Trichy-13.

2.The Assistant Executive Engineer,  
Tamil Nadu Electricity Board TANGEDCO),  
Thiruverumpur, Trichy-13.

3.Thiruvengadam

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the Respondent No.1 dated 15.04.2016 in Ka.No.U.Po/I&Ka/Thiru/Ko.Vazhakku/A.No.08/16-17 and quash the same and consequently direct the respondents to provide electricity connection to the petitioner's building in Survey No.37/1A, Raja Street, Malaikovil, Thiruverumpur, Trichy.

For petitioner : M/s.S.M.A.Jinnah

For R.1&2 : Mrs.S.Srimathy

Additional Government Pleader

### **ORDER**

Mr.Amar, seeking electricity service connection from the official respondents, on being denied, has come to this Court, challenging the refusal order of the respondents.

2. The impugned order passed by the respondents reveals the fact that a Civil suit filed by the third respondent herein on the file of the learned District Munsif, Trichy, is pending, the third respondent has sought for a decree for declaration that the 'B' Schedule property belonging to him and



with a further direction to the defendants 7 to 9 to remove the encroachment over the property in question. Therefore, the official respondents has refused to provide electricity connection to the petitioner.

3. Learned counsel for the petitioner submitted that mere reading of the plaint of the third respondent shows that there is no encroachment into his property. According to the petitioner, assuming for a moment, even if the petitioner encroaches the third respondent's property, only wall has been put up closing the window of the third respondent. Therefore, there is no impediment for the official respondents to provide electricity connection to the petitioner.

4. Be that as it may, even the very same argument urged before this Court, can be very well projected before the Civil Court by moving an appropriate application. Otherwise, this Court may have to go into the rights of the parties pending adjudication before the Civil Court which will have cascading effect on the pending suit. In other words, once the petitioner request is accepted through this Writ Petition, this will give room for evidence to him. Therefore, this Court is not inclined to entertain this Writ Petition, when a Civil Suit is pending. Thus, the order impugned in this Writ Petition stands confirmed.

5. Accordingly, this Writ Petition is dismissed giving liberty to the petitioner to move an appropriate application before concerned Civil Court. If any application is moved, the Court below shall dispose of the same, on merits and in accordance with law. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar

To

1.The Assistant Engineer,  
Tamil Nadu Electricity Board (TANGEDCO),  
Thiruverumpur, Trichy-13.

2.The Assistant Executive Engineer,  
Tamil Nadu Electricity Board TANGEDCO),  
Thiruverumpur, Trichy-13.

SSM

CSL/SKS-RR/05.07.2016 : 2P/3C

W.P(MD) .No.11080 of 2016

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