



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.08.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

W.P.(MD)No.4830 of 2011

Anthonidas

:Petitioner

Vs.

The Assistant Engineer,
[Operation and Maintenance],
Tamil Nadu Electricity Board,
Kannivadi 624 705,
Dindigul District.

:Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Mandamus directing the respondent to restore the electricity supply in S.C.No.324 to the petitioner's shop situated at Survey Nos.92/3 and 92/5 in Karamadi Village, Dindigul District.

For Petitioner

: Mr.R.R.Kannan

For Respondent

: Ms.T.Rajeshwari

For Mr.S.M.S.Johny Basha
Standing Counsel.

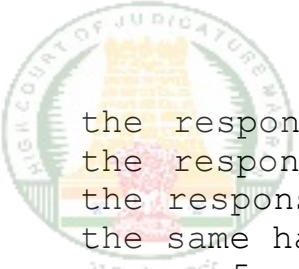
O R D E R

The electricity connection given to the shop of the petitioner was disconnected by the Electricity Board, pursuant to the decree passed by the Civil Court at the instance of one Visuvasam. The decree was affirmed in appeal. The Second Appeal is now pending before this Court. The petitioner seeks a Writ of Mandamus directing the respondent to give re-connection.

2. There is no dispute that a decree was passed in O.S.No.716 of 1996 by the learned District Munsif, No.II, Dindigul, against the petitioner. The decree was affirmed in appeal in A.S.No.474 of 2004, on the file of learned Additional Subordinate Judge, Dindigul. The Second Appeal is now pending before this Court.

3. There is no question of directing the respondent to restore the electricity supply, in view of the decree passed by the Trial Court in O.S.No.716 of 1996 and the Judgment passed in A.S.No.474 of 2004. It is open to the petitioner to approach the respondent, in case the Second Appeal is allowed in his favour.

4. The learned counsel for the petitioner submitted that the amount paid by the petitioner towards deposit is still with



the respondent. It is always open to the petitioner to approach the respondent for refund of the amount deposited by him. It is the responsibility of the respondent to refund the amount, in case the same has not been refunded so far.

5. The Writ Petition is disposed of with the above observation. No costs.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar(CS)

To
The Assistant Engineer,
[Operation and Maintenance],
Tamil Nadu Electricity Board,
Kannivadi 624 705,
Dindigul District.

+1cc to M/s.R.R.Kannan, Advocate in SR.47026

W.P. (MD) No.4830 of 2011
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