



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.09.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

W.P. (MD) No.9977 of 2011

Mr.T.Kanagu

: Petitioner

Vs.

1.The Assistant Executive Engineer,
Distribution,
Anuppanadi Distribution Circle,
Tamil Nadu Electricity Board,
Anuppanadi, Madurai.

2.The Junior Engineer/Distribution,
Chinthamani Distribution Circle,
Tamil Nadu Electricity Board,
Chinthamani,
Madurai-9.

: Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Certiorarified Mandamus, to call for the records pertaining to the proceedings of the second respondent in Ka.No.E.Mi.Po/Chint/Ko/A.No.193, dated 12.08.2011 and quash the same as illegal, arbitrary and unconstitutional, and direct the respondents to provide additional electricity service connection to the petitioner's building situate in Door Number 3/75 Chinna Anuppanadi Madurai, within a stipulated period.

For Petitioner

: Mr.P.Gunasekaran

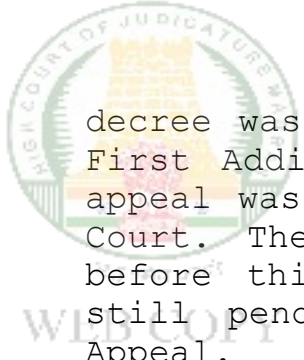
For Respondents

: Mrs.S.Srimathi,
For Mr.S.M.S.Johnny Basha

ORDER

The respondents initiated proceedings against the petitioner claiming amount on allegation of theft of energy. The notices were challenged by the petitioner before the learned Principal District

Munsif, Madurai, in O.S.No.93 of 2005. The suit was decreed as prayed for, by judgment and decree dated 27.04.2007. The said



decree was challenged by the Electricity Board before the learned First Additional Sub Judge, Madurai, in A.S.No.119 of 2009. The appeal was dismissed by confirming the decree passed by the Trial Court. Thereafter, the Electricity Board filed a second appeal before this Court in S.A.No.822 of 2011. The Second Appeal is still pending. There is no stay of the decree in the Second Appeal.

2. The learned Standing Counsel for the Electricity Board, on instructions, submitted that the Board would provide connection, subject to the outcome of the Second Appeal. In short, both the petitioner and the respondents agreed that they would abide by the decision in the Second Appeal and as an interim measure, the Electricity Board would provide the electricity connection. The connection shall be given on or before 14 September, 2016. I make it clear that while issuing this direction, this Court has not considered the merits of the claim and it is for the parties to agitate the matter before this Court in S.A.No.822 of 2011.

3. The Writ Petition is disposed of with the above direction. No costs.

Sd/
Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar

To

1.The Assistant Executive Engineer,
Distribution,
Anuppanadi Distribution Circle,
Tamil Nadu Electricity Board,
Anuppanadi, Madurai.

2.The Junior Engineer/Distribution,
Chinthamani Distribution Circle,
Tamil Nadu Electricity Board,
Chinthamani,
Madurai-9.

+1 cc to MR.P.GUNASEKARAN, Advocate SR.No.50376

+1 cc to M/S.S.M.S.JOHNNY BASHA, Advocate SR.No.50089

Order made in
W.P. (MD) No.9977 of 2011

Dated: 02.09.2016

SMA/GSV-PM/20/09/2016 :2P/5C