

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 08.11.2017
CORAM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
And
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A.No.1300 of 2015
And
M.P.No.1 of 2015

1.B.Selvi
2.Elangovan (Deceased)
3.E.Usha
4.E.Aravindan
5.E.Ajith Kumar
6.E.Akila

(Appellants 3 to 6 are impleaded as per the order of this Court dated 08.11.2017 made in C.M.P.No.18909 of 2017 in W.A.No.1300 of 2015) ... Appellants/Respondents2&3

Vs.

1.H.Maheshwari
2.The Area Engineer,
Tamil Nadu Electricity Board,
CED/South/Adyar,
Chennai - 20. ... Respondents/Petitioners
1st Respondent

Prayer:

Writ appeal filed under Clause 15 of the Letters Patent praying to set aside the order passed in W.P.No.6128 of 2015 dated 06.07.2015.

WP.No.6128 of 2015:Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to give separate new electricity connection in favour of the Petitioner within a time frame, fixed by this Court.

For Appellants : Mr.A.R.Palanisaamy
For Respondent No.1 : Mr.T.Karunakaran
For Respondent No.2 : Mr.S.K.Rameshuwar
Standing Counsel (E.B.)

J U D G M E N T

(Judgment of the Court was delivered by K.K.SASIDHARAN,J.)

The learned counsel for the appellants submitted that the appellants would be satisfied in case an observation is made by this Court that none of the observation contained in the order dated 06.07.2015 in W.P.No.6128 of 2015 would stand in the way of the Rent Controller in deciding the pending original petition in R.C.O.P.No.496 of 2015 on the file of the XV Small Causes Court at Chennai.

2.The learned counsel for the first respondent on the other hand submitted that there is no evidence to prove that the proposed parties are the legal representatives of the deceased second appellant and as such, the relationship should be proved by them before the Rent Controller.

3.The learned Single Judge has made certain observations in the order impugned in this appeal for the purpose of directing the Electricity Board to give service connection to the first respondent on executing a bond. Those observations were made only for the purpose of deciding the writ petition relating to the service connection. Such observation would not stand in the way of the Rent Controller in deciding the pending civil suit or Rent control original petition. Similarly, the order made in C.M.P.No.18909 of 2017 bringing the proposed parties as the appellants also would not stand in the way of the first respondent in her contention with regard to the legal representatives of the deceased second appellant.

4.The intra court appeal is disposed of with the above observation. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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+1 cc to Mr.AR.Palanisamy Advocate sr 79145
+1 cc to Mr.S.K.Rameshuwar Advocate sr 79081 dt 02/01/2018
+2 ccs to M/s.T.Karunakaran Advocate sr 79126 dt 10/01/2018

W.A.No.1300 of 2015
And
M.P.No.1 of 2015

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