

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.12.2017

Coram

THE HON'BLE MR.JUSTICE RAJIV SHAKDHER
&
THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

W.A.No.1469 of 2017 against W.P.39346 of 2016
and
C.M.P.No.19537 of 2017

J.Devadoss

... Appellant

Vs.

1.The Chairman,
Tamil Nadu Electricity Board,
Anna Salai,
Chennai - 600 002.

2.The Assistant Engineer
Selva Vinayagapuram Kovil Street
I.C.F. Colony,
Ayapakkam
Chennai - 600 058.

3.Tmt.Shanthimary

... Respondents

PRAYER: Appeal filed under Clause 15 of the Letters Patent Act against the order dated 24.04.2017 made in W.P.No.39346 of 2016. This writ petition is filed under Article 226 of the constitution of India praying to issue a writ of Mandamus to direct the 2nd Respondents Assistant Engineer I.C.F. Colony Ayapakkam Chennai- 58 to restore/ give the electricity connection to the petitioners residential house in bearing Door No.11-A School Street Chinna Colony Athiput Ambattur Taluk Tiruvallur District.

For Appellant : Mr.C.Venkatesan
For Respondents : Mr.Ramdas for R3

JUDGMENT

(Judgment of the Court was made by RAJIV SHAKDHER, J)

1. This is an appeal directed against the judgment and order dated 24.04.2017, passed by the learned Single Judge.

2. The appellant, before us, was arrayed as respondent No.3, in the writ petition, in which, the impugned judgment has been passed.

3. The appellant avers that, he is the absolute owner of the property and that the writ petitioner, i.e., respondent No.3, herein is a tenant with whom there is a civil dispute pending. The suit, as noticed by the learned Single Judge has been filed by the appellant herein for declaration and recovery of possession of the subject property. Since electricity connection was not made available to respondent No.3 by respondent No.1/Corporation, a writ petition was preferred. The learned Single Judge has disposed of the writ petition in favour of respondent No.3 herein, with the following operative directions:

".....5.Considering the above, a direction is issued to the second respondent to restore the electricity service connection on condition that the petitioner pays the entire arrears and continue to pay the further amount subject to the civil proceedings. The said restoration will have to be done within a period of four weeks from the date of receipt of the amount payable by the petitioner."

4. According to us, the appeal has no merit. The learned Single Judge has, in our view, correctly come to the conclusion that the pendency of the civil dispute has nothing to do with the grant of electricity connection to respondent No.3, i.e., the original writ petitioner.

4.1.Furthermore, the learned Single Judge has made, the grant of electricity connection by respondent No.1 herein, subject to payment of the entire arrears and with an additional condition that respondent No.3 will continue to pay the current electricity dues as well.

5. Accordingly, the appeal is dismissed. Consequently, the connected pending application shall stand closed. There shall, however, be no order as to costs.

Sd/-
Assistant Registrar(CO)

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Sub Assistant Registrar

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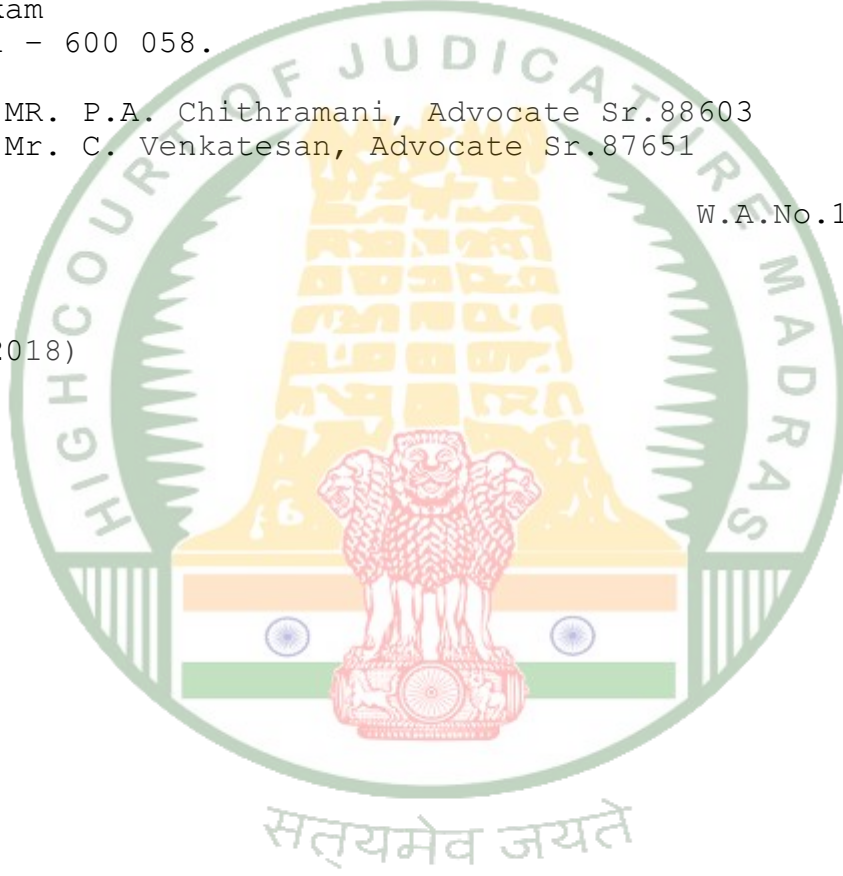
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+ 1 cc to MR. P.A. Chithramani, Advocate Sr.88603
+ 1 cc to Mr. C. Venkatesan, Advocate Sr.87651

W.A.No.1469 of 2017

RJ(CO)
EU(23/01/2018)



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