

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.4448 of 2017

1. Jothi
W/o Samuel
2. Kodimalli
W/o Venu Goundr
3. Chitra
W/o Kannadasan ...Petitioners

-vs-

1. The Chairman
Tamilnadu Electricity Board
144, Anna Salai
Chennai 600 002
2. The Superintending Engineer
Tamil Nadu Generation Distribution
Corporation (TNEB)
Dharmapuri District
3. The Executive Engineer
Operation & Maintenance
Tamil Nadu Generation Distribution
Corporation (TNEB)
Harur Division
Harur Post & Taluk
4. The Assistant Executive Engineer
Operation & Maintenance
Tamil Nadu Generation Distribution
Corporation (TNEB)
Harur Division
Harur Post & Taluk
5. The Assistant Engineer
Operation & Maintenance
Tamil Nadu Generation
Distribution Corporation (TNEB)
Anumanththeertham
Uthankarai Taluk
Krishnagiri District

6. The Essar Oil Limited Chennai House
represented by its Managing Director
No.7, Esplanade, 5th Floor
Chennai 600 108

7. P.Annamalai

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, forbearing the respondents 1 to 5 from effecting electricity service connection to the seventh respondent to run a Petrol Bunk in respect of the properties situate in Survey Nos.13/2D & 13/3B, Itlapatti Village, Harur Taluk, Dharmapuri District, by considering the petitioners representation dated 08.02.2017 issued in pursuance of the Notice dated 27.01.2017.

For Petitioners:: Mr.P.Valliappan

For Respondents:: Mr.M.Varunkumar for R1 to 5
Mr.J.Bharathiraja for R7

ORDER

This writ petition has been brought to this Court seeking issuance of a mandamus, forbearing the respondents 1 to 5 from effecting electricity service connection to the seventh respondent, namely, P.Annamalai, S/o Ponnusamy, on the ground that the father of the seventh respondent had unlawfully executed a settlement deed dated 27.1.2005 in respect of the property situate in Survey Nos.13/2D & 13/3B, Itlapatti Village, Harur Taluk, Dharmapuri District in favour of the seventh respondent, as if the said property belonged to him. Therefore the petitioners have filed a civil suit in O.S.No.105 of 2014 on the file of the learned District Munsif, Harur for partition and separate possession of their share and also to set aside the settlement deed dated 27.1.2005. In the meanwhile, the seventh respondent, obtaining a retail outlet dealership permission to run a petrol bunk in Survey Nos.13/2D & 13/3B, Itlapatti village from the sixth respondent, has also applied for electricity service connection to the said land and the respondents 1 to 5 are going to give service connection for the same without notice to the petitioners. In such circumstances, they have issued a notice dated 27.1.2017 to the respondents 1 to 5 calling upon them not to give electricity connection to the property covered in Survey Nos.13/2D & 13/3B, Itlapatti Village, Harur Taluk. As there is every likelihood of giving electricity connection to the seventh respondent by the respondents 1 to 5, the petitioners have been advised to come to this Court.

2. This Court is not inclined to entertain the writ petition for two reasons. Firstly, since a suit has already been filed on the file of the learned District Munsif, Harur seeking

partition of the property, the petitioners should have worked out their remedy only in the pending suit. Secondly, the suit is also only for partition, not for entire ownership or title. Therefore, granting electricity service connection in favour of the seventh respondent by the respondents 1 to 5 on executing a bond will not confer any title or ownership. Hence this Court is not inclined to entertain the writ petition. Accordingly, the writ petition is dismissed. Consequently, W.M.P.No.4654 of 2017 is also dismissed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ss
To

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Distribution Corporation (TNEB)
Anumanththeertham
Uthankarai Taluk
Krishnagiri District

+1cc to Mr.P. Valliappan, Advocate, S.R.No.11676
+1cc to Mr.M. Varunkumar, Advocate, S.R.No.11510
+1cc to the Government Pleader, S.R.No.11311

VGI(CO)
EU 16.3.17

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