

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2017

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.13063 of 2015

A. Pappathi

...Petitioner

Vs.

1. The Superintending Engineer
TANGEDCO
Kumar Nagar
Tiruppur District

2. The Executive Engineer
TANGEDCO
Avinashi
Tiruppur District

3. The Assistant Executive Engineer
TANGEDCO
Thirumuruganpoondi
Avinashi Taluk 641 652
Tiruppur District

4. P. Samiyappan
(R4 impleaded as per order
dated 21.03.2017 in MP.No.1/2015)

....Respondents

Petition filed under Article 226 of The Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus to call for entire records relating to the impugned order dated 23.02.2015 vide letter E.Mi.PO/Vi/Thi.Mi/Pa.Va/Thi.Mu.Pu/ko.Manu/Ka.No.450/15 passed by the 3rd respondent in rejecting the request for electricity commercial service connection (LT Supply) to the premises at No.4/153, 5th Main Road, Thirumuruganpoondi, Avinashi Taluk 641 652 and consequently direct the respondents to provide electricity commercial service connection (LT Supply) to the above premises forthwith in accordance with law.

For Petitioner

....

Mr. N. Manokaran

For Respondents

....

Mr. S.K. Rameshwar

For R1 to R3

M/s.R.Prabhakar for R4

O R D E R

With the consent of the learned counsel appearing on either side, the Writ Petitions are taken up for final disposal.

2. There appears to be inter se dispute between the petitioner and the fourth respondent being sister and brother. Suits are also pending at the instance of both sides. In the meanwhile, the petitioner sought for a service connection, which was rejected by the impugned order by quoting the pendency of the suits and the objections raised by the fourth respondent.

3. Granting service connection has got no relevancy to the pending suits. This Court is not deciding the title inter se parties. The petitioner is stated to be in possession of the extent for which the service connection is sought for. If the fourth respondent succeeds in the pending suits, the service connection will go to him. The statement made by the learned counsel for the petitioner that she will not raise any claim to service connection, is also recorded.

4. The question is as to whether the service connection is sought for in the name of petitioner's brother or otherwise is irrelevant. Needless to state that in view of the undertaking given by the learned counsel for the petitioner orally, there is no difficulty in allowing the Writ Petition. Accordingly, the Writ Petition is allowed and the impugned order is set aside. Consequently the third respondent is directed to effect service connection to the premises at Door No.4/153, 5th Main Road, Thirumuruganpoondi, Avinashi Taluk, 641652. It is made clear that this order is subject to the result of the pending suits. It is also made clear that no equity will be claimed by the petitioner. Based upon the decree of the Civil Court, the service connection will go along with. Appropriate service connection will be given, within a period of four weeks from the date of receipt of a copy of this order.

5. A direction is issued to the District Munsif Court, Avinashi to close the relief no.(c) sought for in so far as mandatory injunction against the Electricity Department is concerned in O.S.No.145 of 2014 on the file of the District Munsif Court, Avinashi. The jurisdiction of the Civil Court will have to be decided in the Suits on their own merits without being influenced by this order passed. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

at/pbn

To

1. The Superintending Engineer
TANGEDCO
Kumar Nagar
Tiruppur District
2. The Executive Engineer
TANGEDCO
Avinashi
Tiruppur District
3. The Assistant Executive Engineer
TANGEDCO
Thirumuruganpoondi
Avinashi Taluk 641 652
Tiruppur District
4. The District Munsif,
Avinashi.

+1 CC to Mr. N. Manokaran, Advocate Sr.No.20122

+1 CC to Mr.R.Prabakar, Advocate Sr.No.20796.

W.P.No.13063 of 2015

RR(CO)
KP(22.04.2017)