

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2017

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THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition Nos.24086 to 24088 of 2017

and

WMP Nos.25405 to 25407 of 2017

P.Mangalamoorthy

.. Petitioner
in all W.Ps.

vs

1.The Chairman,
Tamilnadu Electricity Board,
Tamilnadu Generation and Electricity
Distribution Corporation Ltd.,
Anna Salai, Chennai 600 002.

2.The Assistant Electricity Engineer (O&M),
Tamilnadu Generation and Electricity
Distribution Corporation Ltd.,
Tamilnadu Electricity Board,
Tiruppur Electricity Distribution Circle,
Nallur 641 606, Tiruppur District.

3.The Executive Officer,
Arulmigu Visveswara Swamy Temple,
Nallur, Tiruppur.

.. Respondents in all
W.Ps.

PRAYER: Writ petitions filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the second respondent to give electricity service connection to the petitioner's house situated in S.F.No.182, Nallur Village, Tiruppur Taluk & District in respective Door Nos.253/1, 253/2 and 253/3, 4th Street, Jai Nagar, Maniakarampalayam Road, Nallur, Tiruppur.

For Petitioner : Mr.C.Prakasam
in all W.Ps.
For Respondents : Mr.S.K.Rameshwar for R1 and R2
in all W.Ps. Standing Counsel
Mr.M.Maharaja for R3
Special Government Pleader

COMMON ORDER

The petitioner in all these writ petitions is one and the same. He seeks for a direction to the second respondent to give electricity service connection in respect of the subject matter property referred to in these writ petitions.

2.Heard Mr.C.Prakasam, learned counsel appearing for the petitioner and Mr.M.Maharaja, learned Special Government Pleader appearing for the third respondent and the learned Standing Counsel appearing for the respondents 1 and 2.

3.It is admitted by both parties that in respect of title to the subject matter property in all these writ petitions, civil suits were filed and they have culminated into filing of the first appeal before this court and such first appeal is still pending. The grievance of the petitioner is that the second respondent is not giving electricity connection to the petitioner house situated in the petition mentioned property in each petition only based on the objection filed by the third respondent.

4.The learned counsel for the petitioner, Mr.C.Prakasam, submitted that for providing electricity service connection, which is a basic amenity, the third respondent cannot make any objection, as such provision of the electricity service connection will always subject to the outcome of the civil dispute pending between the parties in respect of the title to the property. Having said so, the learned counsel, however, is fair enough to submit that the service connection can even be issued in the name of the third respondent temple without prejudice to the contention of the petitioner before the civil proceedings pending before this court so that the petitioner can enjoy the basic amenity of the electricity supply.

5.Mr.M.Maharaja, learned Special Government Pleader appearing for the third respondent is not objecting for provision of service connection, if the same is issued in the name of the third respondent.

6.Upon hearing the learned counsels appearing on either side, it is evident that the dispute with regard to the title to the property in question is pending adjudication before this court by way of first appeal and therefore, this court, at this stage, cannot express any view on the same. However, as it is stated by the contesting parties viz., the petitioner and the third respondent, that the service connection can be given in the name of the third respondent

without prejudice to the contentions of both parties raised in the first appeal, these writ petitions are disposed of only with a direction to the second respondent to give electricity service connection to the property referred to in each writ petition in the name of the third respondent temple, after collecting necessary charges from the petitioner. It is made clear that this order is passed without prejudice to the contentions of either parties in the civil proceedings dealing with title to the property. The second respondent shall comply with the order passed in these writ petitions within a period of three weeks from the date of receipt of copy of this order. No costs.

10.10.2017

Note: Issue order copy on 12.10.2017.

Speaking/Non Speaking

Index : Yes/No

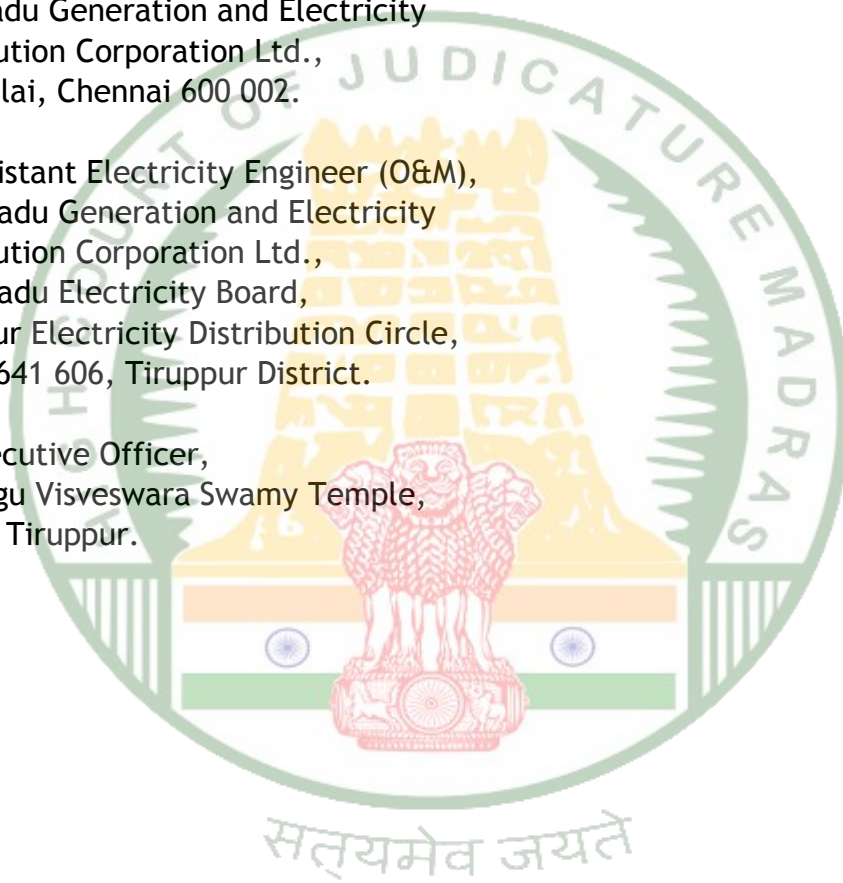
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To

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