

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2017

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.No.3506 of 2017
& WMP No.3515 of 2017

1.Egavally
2.Radjamballe

.. Petitioners

Vs.

1.The Union Territory of Puducherry,
Rep. By its Chief Secretary,
Puducherry.
2.The Superintending Engineer-Circle-1,
(Head of Department), Main office campus,
No.137, NSC Bose Salai, Puducherry-605 001.
3.The Executive Engineer-I (O & M),
Electricity Department, Main Office Campus,
NO.137, NSC Bose Salai,
Puducherry.

4.Arumugam

...Respondents

Writ Petition is filed under Article 226 of The Constitution of India praying to issue a writ of mandamus to direct the third respondent herein to effect separate electricity connection for the first floor of the house property situated at New No.13 (Old NO.47), Lazar Koil Street, Dubrayapet, Puducherry, within the stipulated time.

For Petitioner .. Mr.D.Ravichander
For respondents .. Mrs.D.Reena Iswariya
Addl. Government Pleader
(Pondicherry)
for R1 to R3
Mr.S.Giritharan for R4

ORDER

The petitioners are the sisters of the fourth respondent. This writ petition is only an extension of the inter se dispute between them. There is also a civil dispute pending in O.S.No.1279 of 2014, in which, an interim order was passed in I.A.No.517 of 2014 in O.S.No.1279 of 2014 on 16.09.2016 in the following manner.

"5. In the result, this petition is allowed on the condition that the petitioners have to fit a sub-meter at their costs within a month and to pay the consumption charges by calculating their respective share (or) to pay equal half share to the 2nd respondent in the total consumption charges within two months from the date of each payment will made by the 2nd respondent failing which the 2nd respondent has the right to disconnect the electricity to the 1st floor. There is no order as to costs."

2. The controversy revolves around service connection with the first floor, in which, the petitioners are said to be residing. One thing is clear that the order passed by the Civil Court dated 16.09.2016 stands as of now. Therefore, neither the petitioners nor the fourth respondent can have any objection over the same. In such view of the matter, a direction is issued to respondents 2 and 3 to give effect to the order passed by the Civil Court. This Court also records the fact that the matter stood adjourned for last two occasions.

3. The writ petition stands disposed of by directing respondents 2 and 3 to give effect to the order passed by the Civil Court in I.A.No.517 of 2014 in O.S.No.1279 of 2012 within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this order is passed without prejudice to the contentions of the parties and shall have no bearing on the main suit. The petitioners shall co-operate with the erection of the sub meter with respondents 2 and 3. It is made clear that the internal arrangements including drawing of line among other things is the look out of the petitioner. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

To

1.The Chief Secretary,
Union Territory of Puducherry,
Puducherry.

2.The Superintending Engineer-Circle-1,
(Head of Department), Main office campus,
No.137, NSC Bose Salai, Puducherry-605 001.

3.The Executive Engineer-I (O & M),
Electricity Department,
Main Office Campus,
No.137, NSC Bose Salai,
Puducherry.

+1cc to Mr. D. Ravichander, Advocate Sr. 17168
+1cc to Mr.S. Giritharan, Advocate Sr. 17134

W.P.No.3506 of 2017

EV(CO)
Vr(22/03/2017)



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