

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.10.2017

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HON'BLE MR.JUSTICE P.VELMURUGAN

W.A No.2094 of 2013 and

M.P.Nos.1 and 2 of 2013

Lakshmikantham

...Appellant

Vs

1.P.Anandavalli Ammal

2.Tamilnadu Electricity Board,
Rep. by its Chairman
800, Anna Salai, Chennai - 600 002.

3.The Superintending Engineer,
(Operation and Maintenance)
Tamilnadu Electricity Board,
Tindivanam, Villupuram District.

4.The Assistant Executive Engineer,
(Operation and Maintenance)
Tamilnadu Electricity Board,
Sendur, Villupuram District.

5.The Assistant Executive Engineer,
(Operation and Maintenance)
Tamilnadu Electricity Board,
Vedur - 605 602, Villupuram District.

...Respondents

Prayer:- Writ Appeal filed under clause 15 of Letters Patent,
against the order made in M.P.No.1 of 2013 in W.P.No.21980 of
2013 on 19.09.2013.

MP.1/2013:WP.21980/2013

Petition file Hon'ble Court to direct the respondents 1 to
4 herein to restore the petitioners electricity service
connection No.992 in Survey No.61/1 of Palapattu Village
Tindivanam Division Tindivanam Taluk Villupuram District,
pending disposal of the above writ petition.

WP.NO.21980/2013

Petition filed under Article 226 of the Consitution of India pryaing this Hon'ble Court to issue a writ of certiorarified Mandamus calling for the records from the 4th respondent herein pertaining to his order dt 29.7.2013 made in A.E.E./O & M/Vedur/D. Petition/A. No.60/2013 and to quash the same and direct the respondents 1 to 4 to restore the petitioners electricity service connection No.992 in Survey No.61/1 of Palapattu Village Tindivanam Division Tindivanam Taluk Villupuram District

For Appellant : Mr.P.Thiagarajan

For Respondents: Mr.T.Dhanasekaran for R1

Mr.M.Varun

Standing Counsel for R2 to R5

J U D G M E N T

The challenge in this intra court appeal is to the interim order dated 19 September, 2013 in M.P.No.1 of 2013 in W.P.No.21980 of 2013, directing the respondents 2 to 5 to restore the service connection to the premises bearing No.992 in Survey No.61/1 of Palapattu Village, Tindivanam Division, Tindivanam Taluk, Villupuram District, pending disposal of the writ petition.

2. The learned counsel for the appellant fairly submitted that he would not press for vacating the interim order at this point of time in view of the fact that the writ petition itself is ripe for final hearing. According to the learned counsel, the observation made by the learned single Judge with respect to the possession would prejudice the case of the appellant and as such, the said observation deserves to be expunged.

3. We have also heard the learned counsel for the first respondent and the learned Standing Counsel for respondents 2 to 5.

4. The learned single Judge having found prima face case made out by the first respondent granted interim order directing the respondents 2 to 5 to restore service connection. The observation made in the order dated 19 September, 2013 was only for the purpose of deciding the interlocutory application. Since the Electricity Department has already restored the electricity supply, there is no question of interfering with the order passed by the learned single Judge at this point of time. However, we make it clear that the observation made by the

learned single Judge with respect to possession shall not come in the way of contesting the case on merits by the appellant. In short, the writ petition has to be decided on its own merits, without in any way being influenced by the observation made by the learned single Judge in the order dated 19 September, 2013 in M.P.No.1 of 2013 in W.P.No.21980 of 2013.

5. The intra court appeal is disposed of as indicated above. No costs. Consequently, connected miscellaneous petitions are closed.

sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

svki

To

1.Tamilnadu Electricity Board,
Rep. by its Chairman
800, Anna Salai, Chennai - 600 002.

2.The Superintending Engineer,
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(Operation and Maintenance)
Tamilnadu Electricity Board,
Vedur - 605 602, Villupuram District.

+1 CC Mr.P.Thiagarajan, Advocate SR.No.73653
+1 CC Mr.T.Dhanasekaran, Advocate SR.No.73016

SV(CO)
EGR 20/11/2017

W.A No.2094 of 2013