

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2017

CORAM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

And

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A.No.2163 of 2013

G.Venkatesan ... Appellant/Petitioner

Vs.

1.The Assistant Engineer,
(O & M) Maduravoyil,
Chennai Electricity Distribution Circle (West),
Chennai - 95.

2.G.Elumalai ... Respondents/Respondents

Prayer:

Writ appeal filed under Clause 15 of Letters Patent praying to set aside the order dated 21.09.2012 passed in W.P.No.26980 of 2009.

Petition Under Article 226 of the Constitution of India to issue writ of certiorarified mandamus to call for the records relating to the order of the first respondent in Letter No.AE/O&M/Maduravoyil/South/A 204/09 dt.17.11.2009 and quash the same as illegal and ultravires the Regulation of the Tamil Nadu Electricity Distribution Code, 2004 and consequently direct the 1st respondent to register the application and extend the electricity supply for construction purpose to the premises situated in Survey No.383/1, Alapakkam Village, Maduravoyil Firka, Ambattur Tk, Chennai-116.

For Appellant : Mr.R.Bharath Kumar
For Respondent No.1 : Mr.Venkatesh
for Mr.P.R.Dilipkumar
For Respondent No.2 : Mr.A.Palaniappan

J U D G M E N T

(Judgment of the Court was delivered by K.K.SASIDHARAN,J.)

The application submitted by the appellant for service connection to a commercial building was negatived by the Electricity Board on the ground that there is a dispute with regard to the title to the property. The order passed by the Electricity Board was challenged before the writ court. The learned Single Judge having found that the suit between the parties is pending before the civil court, dismissed the writ petition. Feeling aggrieved, the appellant has come up with this appeal.

2.The learned counsel for the appellant submitted that the civil court after conclusion of trial and arguments reserved the suit for judgment.

3. The affidavit filed in support of the writ petition indicates that the land which is the subject matter of this appeal originally belonged to the father of the appellant and the second respondent. The civil suit filed by the second respondent for partition is pending before the Sub Court, Poonamallee. The civil court is yet to declare the right claimed by the respective parties. There is no question of directing the Electricity Board to grant service connection to the appellant even before the disposal of the civil suit and that too when the dispute is raised by the second respondent with respect to the title to the property.

4.We are therefore of the view that the learned Single Judge was correct in dismissing the writ petition. It is open to the parties to approach the Electricity Board for service connection depending upon the outcome of the civil suit.

5.The intra court appeal is disposed of with the above observation. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

1.The Assistant Engineer,
(O & M) Maduravoyil,
Chennai Electricity Distribution Circle (West),
Chennai - 95.

+1cc to Mr.R.BHARATH KUMAR Advocate, S.R.No. 83804
+1cc to Mr.A.PALANIAPPAN Advocate, S.R.No. 83490

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KGK(CO)
TR(18/12/2017)



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