

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2017

CORAM

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

W.P.No.39346 of 2016

Shanthimary

.. Petitioner

Vs.

1.The Chairman,
Tamil Nadu Electricity Board,
Anna Salai, Chennai - 2.

2.The Assistant Engineer,
Selva Vinayagapuram Kovil Street,
I.C.F. Colony, Ayapakkam,
Chennai - 58.

3.J.Devadoss

.. Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus to direct the second respondent Assistant Engineer, I.C.F. Colony, Ayapakkam, Chennai - 58 to restore/give the electricity connection to the petitioner's residential house bearing Door No.11-A, School Street, Chinna Colony, Athiput, Ambattur Taluk, Thiruvallur District.

For Petitioner

..Mr.P.A.Chithramani

For Respondents

..Mr.P.R.Dhilip Kumar for R1 & R2
Mr.C.Venkatesan for R3

ORDER

The petitioner has filed the present writ petition seeking a direction to the second respondent to restore the electricity service connection for the property situated in Door No.11-A, School Street, Chinna Colony, Athiput, Ambattur Taluk, Thiruvallur District.

2. There appears to be a civil dispute between the petitioner and the third respondent. The third respondent earlier filed a suit seeking a decree for permanent injunction not to put up any further construction. The said suit was decreed. As against which, an appeal was filed. The appeal was allowed, by reversing the judgment and decree of the trial Court. Being aggrieved over the same, the third respondent has filed a second appeal with the petition for condonation of delay of four days, which is still pending on the file of this Court. In the meanwhile, the petitioner has come forward to file the present writ petition.

3. It is also submitted by the learned counsel for the third respondent that a comprehensive suit for declaration and for recovery of possession has been filed before the jurisdictional civil Court, which is also pending consideration.

4. Admittedly, the petitioner is in possession of the property. The service connection stands in the name of the third respondent. Giving service connection has got no relevancy or rationale to the inter se dispute between the petitioner and the third respondent. There appears to be substantial arrears payable by the petitioner to respondents 1 and 2.

5. Considering the above, a direction is issued to the second respondent to restore the electricity service connection on condition that the petitioner pays the entire arrears and continue to pay the further amount subject to the civil proceedings. The said restoration will have to be done within a period of four weeks from the date of receipt of the amount payable by the petitioner.

6. With the above direction, the writ petition stands disposed of. No costs.

Sd/-

सत्यमेव जयते
Asst. Registrar (CCC)

/true copy/

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Sub Asst. Registrar

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To

1. The Chairman,
Tamil Nadu Electricity Board,
Anna Salai, Chennai - 2.

2.The Assistant Engineer,
Selva Vinayagapuram Kovil Street,
I.C.F. Colony, Ayapakkam,
Chennai - 58.

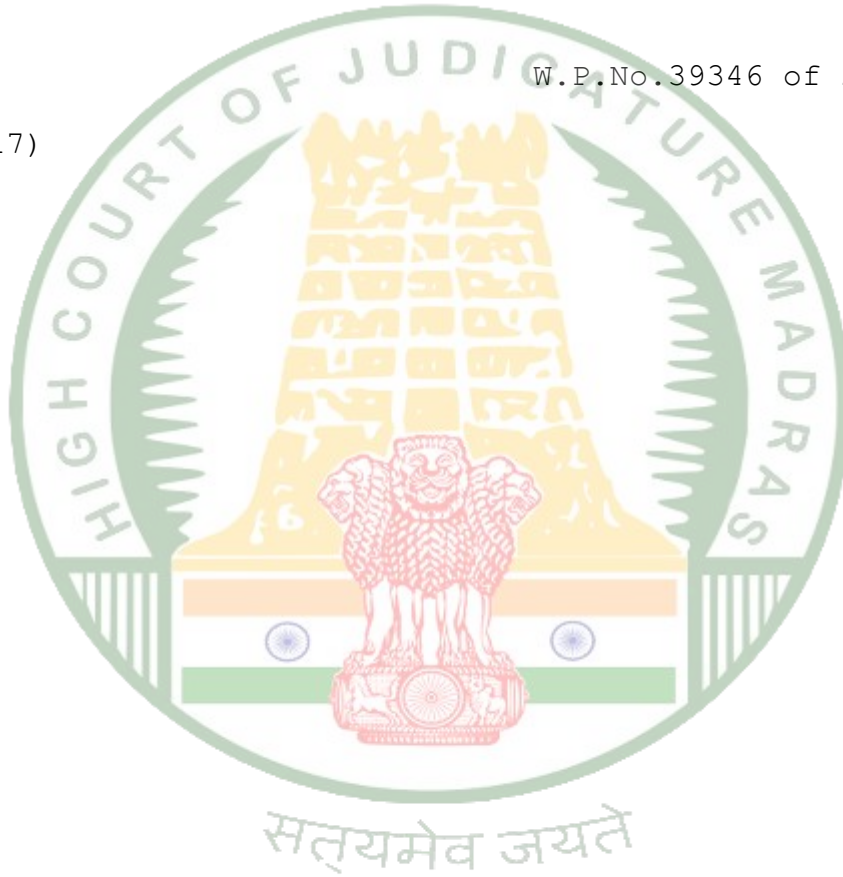
+1CC TO Mr.C.Venkatesan, sr.24509

+1cc to Mr.P.A.Chithramani,sr.24493

+1cc to Mr.P.R.Dhilip Kumar, Advocate sr.24780

skv(co)
ss(5/5/2017)

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