



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 05.07.2017
CORAM :

THE HONOURABLE MR.JUSTICE **T.RAJA**

W.P (MD) No.12463 of 2017
and
WMP (MD) No.9608 of 2017

Chelladurai,
Represented through his Power Agent,
B.Selvaraj. ... Petitioner

vs.

1)The Assistant Executive Engineer,
TANGEDCO,
Tamilnadu Electricity Board,
Devakottai - Rural North,
Devakottai,
Sivagangai District.

2.Ramesh ... Respondents

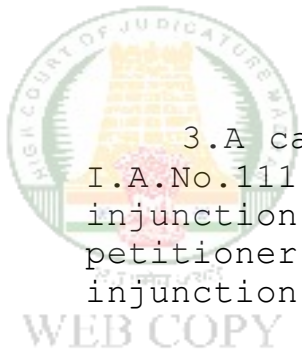
Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st respondent to restore the petitioner's electricity connection in No.416-011-611 forthwith to the petitioner's property, bearing survey No.B1/26, situated in Kannakottai Group, Devakottai Taluk, Sivagangai District.

For Petitioner	: Mr. C.Lenin
For Respondents	: Mr. E.P.Venkatesh Kumar for Mr.S.M.S.Johny Basha

ORDER

The petitioner has come to this Court seeking issuance of a Writ of Mandamus, directing the 1st respondent to restore the electricity service connection in No.416-011-611 forthwith to his property, bearing Survey No.B1/26, Kannakottai Group, Devakottai Taluk, Sivagangai District.

2.Admittedly, in view of title dispute between the 2nd respondent/Ramesh and the petitioner, the petitioner has filed a civil suit in O.S.No.135/2015 on the file of the learned District Munsif, Devakottai. Although interim order of injunction was granted initially, the same was vacated subsequently.



3.A careful perusal of the order passed by the Civil Court in I.A.No.1116/2015, dated 07.01.2016, vacating the interim order of injunction shows that the Civil Court has observed that the petitioner has suppressed the material facts, therefore, the injunction being an equitable remedy cannot be extended to him.

4.It is also submitted before this Court that the petitioner is represented by a power of attorney. Therefore, it is not known on what basis, the power of attorney can assert the title of the petitioner over the property, more particularly, the interim injunction granted was vacated in the pending suit.

5.In any event, the matter is pending before the learned District Munsif, Devakottai. Coming to the point whether the petitioner during the pendency of the civil suit in O.S.No.135/2015 on the file of the learned District Munsif, Devakottai, is entitled to approach this Court and get a direction to the 1st respondent for giving electricity service connection to his property, the title of which itself is questioned in O.S.No.135/2015, this Court would say that the petitioner is not entitled. The reason is, the civil suit filed for declaration of title pending on the file of the learned District Munsif, Devakottai, has to be disposed of and only subject to the outcome of the suit, the petitioner can seek the relief which sought for herein. Further, the reasoned order passed by the Civil Court in I.A.No.1116/2015 dated 07.01.2016, does not permit the petitioner to file this writ petition for the aforementioned relief. Hence, the petitioner is at liberty to approach the civil court where the suit is pending for any other remedy.

Hence, this Writ Petition is dismissed with the abovesaid liberty. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

+2cc to M/S.C.Lenin, Advocate SR.No. 64086

W.P.(MD)No.12463 of 2017
05.07.2017

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