



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.03.2017

WEB COPY

CORAM:

THE HONOURABLE Mr.JUSTICE S.S.SUNDAR

W.P. (MD)No.13184 of 2016

and

W.M.P. (MD)Nos.9937 and 12731 of 2016

K.Balasubramanian

... Petitioner

Vs.

1.The Assistant Engineer,
Operation and Maintenance,
Tamil Nadu Electricity Board,
Semmangudi 612 605.
Thanjavur District.

2.G.Manoharan

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to disconnect the electricity service connection No.006 493 004 979 given in the name of the 2nd respondent as per the order of this Court in W.P.(MD)No.17170 of 2014 dated 20.10.2014.

For Petitioner : Mr.S.Rajaprabu

For Respondents : Mr.E.P.Venkateshwar for

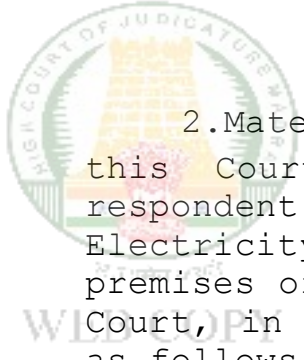
Mr.S.M.S.Johny Basha for R2

Mr.T.R.Subramanian for

Mr.M.V.Santharaman for R1

O R D E R

This Writ petition is filed to issue a Writ of Mandamus, directing the 1st respondent to disconnect the electricity service connection given to the 2nd respondent as per the order dated 20.10.2014 passed by this Court in W.P.(MD)No.17170 of 2014.



2.Materials on records indicate that earlier on 20.10.2014 this Court in W.P.(MD)No.17170 of 2014 filed by the 2nd respondent herein, passed an order, directing the respondents / Electricity Board to give electricity service connection to the premises of the 2nd respondent. While issuing such direction, this Court, in paragraph No.8 of the order, has specifically observed as follows:

"8.In case, if a specific instance is brought to the notice of the respondent that really a suit or proceedings are pending before the competent Court and if the petitioner is arrayed as one of the parties, then in that event, it is open to the respondent to disconnect the electricity service connection pending disposal of the said suit, of course, by issuing necessary notice to the petitioner by adhering to the principles of natural justice and to proceed further in the manner known to law and in accordance with law."

Since the pendency of the civil suit in O.S.No.327 of 2014 on the file of the Principal District Munsif, Kumbakonam and issuance of summons in the said suit are specifically suppressed by the 2nd respondent and obtained an order in the above said Writ petition, the petitioner herein has filed the present Writ petition for the aforesaid relief.

3.It is pertinent to note that this Court by order dated 27.07.2016 in W.P.(MD)No.13184 of 2016 and in W.M.P.(MD)No.9937 of 2016 has granted an interim direction to the 1st respondent to disconnect the electricity service connection given to the 2nd respondent herein. This Court has observed as follows:- "Para 5 & 6 the order date 27.07.2016 In view of the said direction issued, no further order is required in this Writ petition.

4.The learned counsel appearing for the 2nd respondent has submitted that electricity service connection may be given to the 2nd respondent afresh. It is open to the 2nd respondent to apply for electricity service connection and the same will be considered by the 1st respondent in the manner known law after affording opportunity to the petitioner.

5.Accordingly, this Writ petition is disposed of. No costs. Consequently, connected W.M.Ps.are closed.

Sd/-
Assistant Registrar(C)

/True Copy/



To

The Assistant Engineer,
Operation and Maintenance,
Tamil Nadu Electricity Board,
Semmangudi 612 605.
Thanjavur District.

+1cc to Mr.T.R.Subramanian, Advocate, Sr.15317

NBJ

VB/MR/SAR3/11.04.2017/3P/3C

W.P. (MD) No.13184 of 2016
16.03.2017