

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :06.08.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 3383 of 2018 and
WMP.Nos.4147 & 21844 of 2018

K.Vanitha

..Petitioner

vs

1. Executive Engineer
TANGEDGO,
Operations & Maintenance,
Maraimalai Nagar,
Chengalpattu Taluk,
Kanchipuram District.
2. The Assistant Engineer,
TANGEDGO,
Operations & Maintenance,
East Guduvancherry,
Chengalpattu Taluk,
Kanchipuram District.

3. A.N.Ramesh.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ or Order of Direction in the nature of WRIT OF MANDAMUS forbearing the Respondents 1 and 2 from disconnecting the petitioner's electricity service connection 569/019/1996 in the premises property comprised in New Survey No.80/10, Old Survey No.56 having an extent of 5550 Sq.Ft., bearing Door No.7, Pillayar Koil Street in Thailavaram Village, Chengalpattu Taluk, Kanchipuram District.

For Petitioner : M/s. P.Kumaresan
R.Neelakandan & J.Daniel

For Respondents : Mr.S.K.Rameshwar, Standing counsel
for R 1 & R 2.

Mr.A.Kannan
for Mr.V.R.Kamalanathan for R.3

O R D E R

The relief sought for in this writ petition is for a direction to forbear the respondents 1 and 2 from disconnecting the petitioner's electricity service connection 569/019/1996 in the premises property comprised in New Survey No.80/10, Old Survey No.56.

2. The grievance of the writ petitioner is that the petitioner is the absolute owner of the property described in the writ petition. The electricity service connection was provided based on the application made by the writ petitioner to the Board. Thus, the writ petitioner is enjoying the electricity connection for the past many years. Under these circumstances, the 3rd respondent who is no way connected with the property, submitted an objection to the respondents 1 and 2 to disconnect the electricity connection, already provided to the writ petitioner. The grievance of the writ petitioner is that based on the objection submitted by the 3rd respondent, the Board is initiating action to disconnect the electricity connection by issuing show cause notice.

3. The learned counsel appearing for the respondents 1 and 2 states that the Board has sent only a show cause notice directing the writ petitioner to submit all the required documents. However, the Board has not disconnected the electricity service connection. The petitioner was requested to submit the required documents. Undoubtedly, the person who seeks electricity connection has to submit all the required documents.

4. The learned counsel appearing for the petitioner has stated that the writ petitioner had already submitted all the required documents and the connection was given and he is using the electricity connection. Further the parties have admitted that the Civil Suit is also pending in O.S.No.57/2007 before the District Munsif, Chengalpattu.

5. This Court is of an opinion that all such civil disputes are to be adjudicated before the competent Civil Forum and only in the event of passing a judgment and decree in the Civil Suit, the respective parties can go for further action. However, the Board cannot disconnect the electricity connection during the pendency of the civil suit, since the connection was given by Board at the first instance, based on the documents submitted by the writ petitioner.

6. This being the factum of the case, the respondents 1 and 2 are directed not to disconnect the electricity connection already provided to the writ petitioner. They can proceed

further based on the judgment and decree, if any passed by the Civil Court in O.S.No.57 of 2007.

7. The writ petition stands disposed of with the above observation. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1. Executive Engineer
TANGEDGO,
Operations & Maintenance,
Maraimalai Nagar,
Chengalpattu Taluk,
Kanchipuram District.
2. Asst. Engineer,
TANGEDGO,
Operations & Maintenance,
East Guduvancherry,
Chengalpattu Taluk,
Kanchipuram District.

+1cc to Mr.V.R.Kamalanathan, Advocate sr.no.53768
+1cc to M/s. P.Kumaresan, Advocate sr.no.53673
+1cc to Mr.S.K.Rameshwar, Advocate sr.no.53675

W.P.No.3383 of 2018

nr 20/08/2018

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