

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.04.2018

CORAM

THE HONOURABLE Mr.JUSTICE T.RAJA

W.P.No.9396 of 2018

Shanthi @ Shanthalakshmi

... Petitioner

Vs

1.The Executive Engineer [O&M],
Tamil Nadu Generation and Distribution
Corporation Ltd. [TANGEDCO],
Chennai Electricity Distribution Circle/Central,
Opp. to Valluvarkottam,
Nungambakkam,
Chennai-34.

2.The Assistant Engineer,
Tamil Nadu Generation and Distribution
Corporation Ltd. [TANGEDCO],
Chennai Electricity Distribution
Circle/Central,
D.M.S. Compound,
Chennai-6.

3.S.Khader Mohideen

... Respondents

Writ Petition filed under Article 226 of The Constitution of India seeking for issuance of Writ of Mandamus directing respondents 1 and 2 herein to restore the electricity service connection in S.C.No.208/021/237 in the name of original assessee Deivanai Ammal after cancelling the same of S.Khader Mohideen the 3rd respondent herein.

For Petitioner : Mr.D.Murthy

For Respondents : Mr.P.R.Dhilip Kumar,
Standing Counsel

O R D E R

This Writ Petition has been filed seeking direction to the respondents to restore electricity service connection in S.C.No.208/021/237 in the name of the original assessee Deivanai Ammal.

2.Learned counsel appearing for the petitioner submitted that the petitioner is the owner of the house property, bearing door No.22/98, situated at Thiruvalluvar Salai, Teynampet, Chennai-18, originally belonged to her father-in-law late Mr.T.N.Kanniappan, who purchased the same in the name of his wife Mrs.Deivanai Ammal and after their demise, the said

property devolved upon their son Mr.Thanikachalam. Later on, the petitioner's husband also died intestate on 22.10.2010. It is also stated that the petitioner has all along been enjoyed the service connection in S.C.No.208/021/237. Initially, it was in the name of her mother-in-law Deivanai Ammal. Even after her death, the petitioner was paying electricity charges regularly and several request was made to the authorities concerned to transfer the same in the name of the petitioner. The 2nd respondent has mistakenly entered the assessee's name as Devarajan instead of Deivanai Ammal and he has also failed to correct the same in spite of several requests. Moreover, the 2nd respondent also transferred the electricity service connection in the name of the 3rd respondent, without any prior notice. Now, there are two Civil Suits in O.S.Nos.12848 of 2010 and 5244 of 2013 are pending on the file of the learned VI Additional City Civil Court, Chennai. As the electricity service connection given to the petitioner has been disconnected behind the back of the petitioner, she pleaded for a suitable direction.

3.This Court is not inclined to entertain this Writ Petition as to the pendency of two Civil Suits. Therefore, the Writ Petition fails and it is dismissed and the petitioner is directed to approach the learned VI Additional City Civil Court, Chennai. No costs. The learned VI Additional Judge is directed to consider if any such application is filed for restoration of electricity service connection, the same shall be decided after issuing notice to all the parties.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Executive Engineer [O&M],
Tamil Nadu Generation and Distribution
Corporation Ltd. [TANGEDCO],
Chennai Electricity Distribution Circle/Central,
Opp. to Valluvarkottam,
Nungambakkam, Chennai-34.
- 2.The Assistant Engineer,
Tamil Nadu Generation and Distribution
Corporation Ltd. [TANGEDCO],
Chennai Electricity Distribution Circle/Central,
D.M.S. Compound, Chennai-6.
3. VI Additional Judge, City Court, Chennai.

+ 1 cc to Mr. D. Murthy, Advocate Sr.28491