

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.5554 of 2018

M.S.Karnan

.... Petitioner

Vs.

1. The Chairman,  
TANGEDCO,  
Chennai.
2. The Assistant Executive Engineer,  
TANGEDCO,  
Tindivanam,  
Villupuram District.
3. The Assistant Engineer (Operation and Maintenance)  
TANGEDCO,  
Marakanam,  
Villupuram District.
4. Sivakumar ....Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records of the 3<sup>rd</sup> respondent in Ka.Enn. U.Mi.Poo/E.Pa/Makam/Ko.Su/A.Enn.149/17-18 dated 26.12.2017 and quash the same as illegal, arbitrary and non-est and consequently direct the 1<sup>st</sup> to 3<sup>rd</sup> respondents to provide the electricity connection for the petitioner premises in New. S.No.428/10 Marakanam Village, Tindivanam Taluk.

For Petitioner : Mr.G.Mohammed Aseef

For Respondents : Mr.Varun Kumar,  
Standing counsel for R1 to R3

O R D E R

This writ petition is filed challenging the order of the 3<sup>rd</sup> respondent dated 26.12.2017 informing the petitioner that his application seeking electricity service connection will be considered, based on the final decision made by the Civil Court which granted an interim order, not to effect electricity supply to the subject matter premises.

2. Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondents 1 to 3.

3. It is not in dispute that the 4<sup>th</sup> respondent herein has filed a Civil Suit in O.S.No.280/2017 on the file of the Additional District Munsif Court, Tindivanam, against the petitioner herein and others including the 3<sup>rd</sup> respondent herein for declaration and permanent injunction. It is also not in dispute in the said suit, the 4<sup>th</sup> respondent seems to have obtained an interim order in I.A.No.1388/2017 on 22.12.2017 restraining the Electricity Board from effecting electricity supply.

4. When such being the factual position, it is for the petitioner to work out his remedy before the Civil Court which granted the interim order and thereafter, to approach the 3<sup>rd</sup> respondent, in the event of his success in the said Civil proceedings. Therefore, I do not find any justification to interfere with the order passed by the 3<sup>rd</sup> respondent which is impugned in this writ petition, as the reasons stated in the said order is justifiable in view of the interim order granted by the Civil Court. Therefore, without expressing any view on the merits of the contentions raised by the petitioner, the Writ Petition is disposed of by granting liberty to the petitioner to work out his remedy before the Civil Court where the matter is pending in a manner known to law. No costs.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Chairman,  
TANGEDCO,  
Chennai.
2. The Assistant Executive Engineer,  
TANGEDCO, Tindivanam,  
Villupuram District.

3. The Assistant Engineer (Operation and Maintenance)  
TANGEDCO,  
Marakanam,  
Villupuram District.

+1cc to Mr.M.VARUN KUMAR, Advocate, S.R.No. 17381

W.P.No.5554 of 2018

TR(23/03/2018)



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