

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21-08-2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.5769 of 2017

A.Deepalakshmi

.. Petitioner

Vs.

1.The Junior Engineer,
Tamil Nadu Electricity Board,
Pallikonda Electricity Office,
Pallikonda,
Vellore District.

2.The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
Electricity Office,
Vadakathipatti,
Vellore District.

3.The Executive Officer,
Pallikonda Panchayat Union,
Pallikonda,
Vellore District.

4.T.Mohan

5.T.Pandian

..Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the first respondent proceedings in Ka.No.E.Nee.Po/E&Pa/Pa/Ko/Koo.No.246/2016-2017dated 19.10.2016 and quash the same, consequently forbearing the first and second respondents and their subordinates or anybody acting under them from in any manner interfering or in any manner by granting electricity connection to the fourth and fifth respondents comprised in Survey No.233 A1 Pallikonda Village, Vellore District.

For Petitioner : Mr.S.Prasad Babu
For Respondents-1&2: Mr.M.Varunkumar
For Respondent-3 : Mr.S.V.Duraisolaimalai

For Respondents-4&5: No Appearance

O R D E R

The order passed by the Junior Engineer, Tamil Nadu Electricity Board in proceedings dated 19.10.2016, initiating action on the application submitted by the occupant of a house for providing electricity service connection, is under challenge in this writ petition.

2. The learned counsel, appearing on behalf of the writ petitioner, states that the writ petitioner is the owner of the said premises and the Electricity Board has erroneously granted the service connection in the premises belongs to the writ petitioner. In respect of the civil rights, the suit is pending in O.S.No.255 of 2010 before the Sub Court, Vellore. Admittedly, the suit has not been disposed of and the same is pending. During the pendency of the suit, the respondent-Electricity Board granted service connection to the respondents 4 and 5.

3. The learned counsel for the writ petitioner states that the Electricity Board cannot decide the ownership in respect of a property. However, by providing electricity service connection, the respondent-Electricity Board came to the conclusion that the respondents 4 and 5 are the owners of the property.

4. The learned counsel, appearing on behalf of the respondents 1 to 3, opposed the said contention of the learned counsel for the writ petitioner, by stating that the respondents 4 and 5 produced certain documents and based on that service connections are provided in accordance with the Regulations and the Electricity Supply Code. However, in the event of producing any other counter document by the writ petitioner or a judgment and decree passed by the Civil Court, the decision taken in this regard will be reconsidered by the competent authorities.

5. The learned counsel for the Electricity Board reiterates that the authorities will act in accordance with the orders, if any, passed by the competent Court of Law for providing service connections. The Electricity Board has not decided the title or ownership of the property. Contrarily, they have accepted certain documents in order to provide electricity service connections in view of the fact that the fourth respondent is residing in the residential house and the service connection, cannot be rejected as it is an essential service.

6. The civil disputes, now pending between the parties before the competent Civil Court, have to be adjudicated and

only after the final judgment, the respective parties are at liberty to approach the Tamil Nadu Electricity Board for reconsideration of their decision for providing electricity service connection in accord with the Regulations and the Electricity Supply Code. However, it is made clear that the electricity service connection provided by the respondents 1 to 3 are subject to the ground that on production of any other Civil Court judgment or decree, the same is to be reconsidered.

7. In this view of the matter, the writ petitioner cannot seek a relief that no electricity service connections are to be provided to the resident of a building and he must be kept in dark. The electricity service connection, being an essential service, the same is to be provided on submission of certain relevant documents in accordance with the Regulations and as per the Electricity Supply Code.

8. This being the principles to be followed, the writ petitioner has not made out any valid ground for the grant of the relief, as such, sought for in this writ petition. All the civil rights and the disputes between the parties shall be adjudicated before the competent Civil Court of Law, and after the conclusion of the civil litigations, the respective parties are at liberty to submit an application before the Electricity Board for appropriate orders.

9. With these observations, the writ petition stands dismissed. However, there shall be no order as to costs.

-s/d-

Deputy Registrar

True Copy

Sub-Assistant Registrar

Svn
To

1.The Junior Engineer,
Tamil Nadu Electricity Board,
Pallikonda Electricity Office,
Pallikonda,
Vellore District.

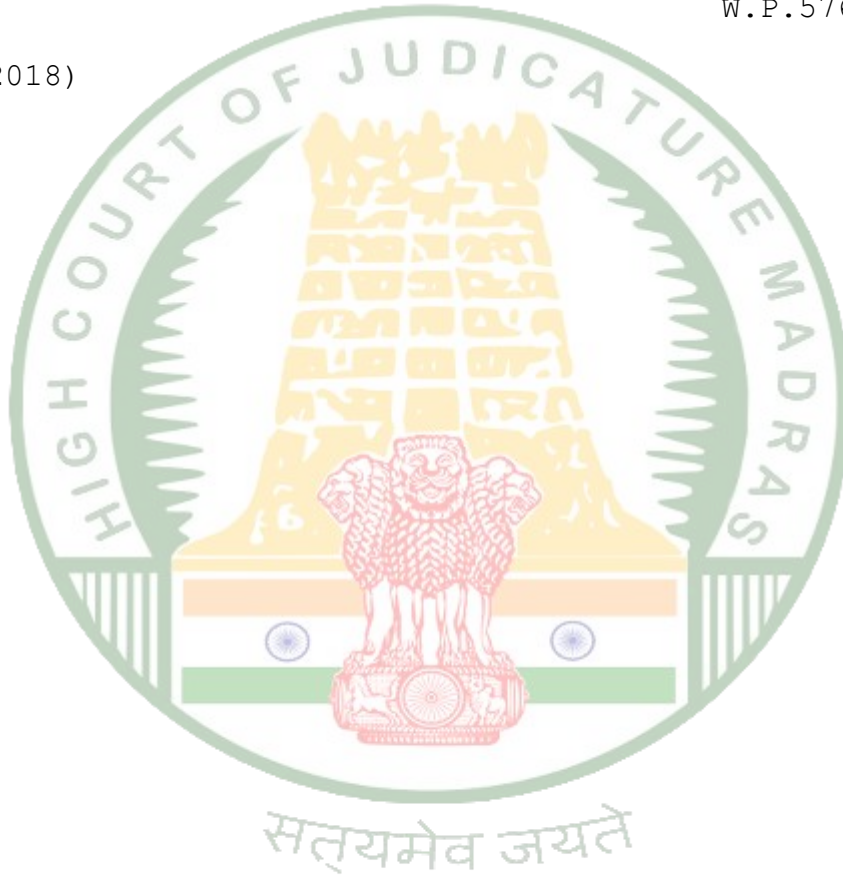
2.The Assistant Executive Engineer,
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Vadakathipatti,
Vellore District.

3.The Executive Officer,
Pallikonda Panchayat Union,
Pallikonda,
Vellore District.

+1 CC to Mr.S. Prasad Babu, Advocate sr 58007.
+1 CC to Mr.M. Varunkumar, Advocate sr 57564.

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SP (03/09/2018)



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