

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2018

CORAM

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

W.P.No.20339 of 2018

N. Amutha

... Petitioner

Vs.

1. The District Collector,
Coimbatore District,
Coimbatore.
 2. The Tahsildar,
Mettupalayam Taluk Office,
Mettupalayam - 641 301,
Coimbatore District.
 3. The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation,
Coimbatore Electricity Distribution Circle (North),
Coimbatore District.
 4. The Executive Engineer (O & M),
Tamil Nadu Generation and Distribution Corporation,
Mettupalayam,
Coimbatore District.
 5. The Assistant Executive Engineer,
Tamil Nadu Generation and Distribution Corporation,
Town - South,
2nd Street, Co-operative Colony,
Mettupalayam,
Coimbatore District.
 6. The Assistant Engineer,
Tamil Nadu Generation and Distribution Corporation,
Town - South,
2nd Street, Co-operative Colony,
Mettupalayam, Coimbatore District.
- ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus, directing the respondents 3 to 6 to provide the Electricity Service Connection to petitioner house situated at Survey No.105/2, at Chikkathasanpalayam Village, Mettupalayam Taluk,

Coimbatore District, within the time to be stipulated by this Hon'ble Court.

For Petitioner : Mr.M.Vijayaraghavan

For Respondents: Mrs.Janaki for R1 & R2
Additional Government Pleader

Mr.S.K.Raameshwar for R3 to R6
Standing Counsel for TNEB

O R D E R

The relief sought for in the present Writ Petition is for a direction to the respondents 3 to 6 to provide the electricity service connection to the petitioner's house situated at Survey No.105/2, at Chikkathasanpalayam Village, Mettupalayam Taluk, Coimbatore District.

2. The grievances of the writ petitioner is that he made an application before the respondent Electricity Board for providing domestic service connection. However, the respondents have not provided the electricity service connection on the ground that a civil dispute is pending between the parties.

3. The learned counsel appearing for the writ petitioner states that even during the pendency of the Civil Suit, the Electricity Board can provide electricity service connection under Clause 27 sub clause 4 of the Electricity Distribution Code. Thus, the application of the writ petitioner ought to have been considered by the respondents. However, they have not passed any orders and keeping application pending for a long time. Under these circumstances, the writ petitioner is constrained to move the present Writ Petition.

4. The learned counsel appearing on behalf of the respondents states that undoubtedly, the Court is empowered to consider the case of writ petitioner under Clause 27 sub clause 4 of the Electricity Distribution Code. However, in the present case, the District Munsif Court, Mettupalayam, has granted an order of interim injunction in respect of the property in question. In view of the interim injunction granted by the District Munsif Court, Mettupalayam, the Board is not in a position to consider the application submitted by the writ petitioner for providing the electricity service connection.

5. Thus, it is left open to the writ petitioner to approach the competent civil court for the purpose of disposing of the Interlocutory Application in I.A.No.454 of 2016 in O.S.No.152 of

2016. In view of the interim injunction granted by the Civil Court, the respondent Board is unable to process the application submitted by the writ petitioner.

6. Thus, the relief as such sought for in the present Writ Petition for directing respondents 3 to 6 for providing electricity service connection cannot be granted in the present Writ Petition, in view of the interim injunction granted by the Civil Court in a civil dispute in respect of the property. In the event of vacating the interim injunction or disposing of the Civil Suit pending before the Civil Court, the case of the writ petitioner shall be considered in accordance with the provisions of Electricity Supply Code and Distribution Code.

7. With these observations, the Writ Petition stands dismissed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

pns/asi

To

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+1cc to Mr.S.K.Raameshuwar, Advocate SR.No.80724

+1cc to Mr.M.Vijayaragavan, Advocate SR.No.80250

+1cc to Government Pleader SR.No.81438

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SSV(CO)

GMV (28/12/2018)



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