

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.No.22166 of 2017
in
W.M.P.No.23199 of 2017

C.Govindarajan

.. Petitioner

Vs

1. The Executive Engineer,
Edapadi Electricity Contribution Circle,
Edapadi,
Salem.
2. The Assistant Engineer,
Operation & Maintenance,
Vellandi Valasu,
Edapadi Taluk,
Salem District-637 105.
3. The Divisional Engineer,
Edapadi Taluk,
Salem District.
4. Adinarayanan
5. Thirulogachander

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the Respondents 1 and 2 to disconnect electricity connection to the property situated in Survey No.287/2, Ward 2, Nainampatty Road Street, Edapadi Municipal, Salem District.

For Petitioner : Mr.P.R.Balasubramanian

For Respondent : Mr.S.K.Raameshuwar
for R1, R2 and R3

Mr.Saikrishnan (R4 and R5)
for Mr.Sai Bharath

ORDER

The relief sought in this Writ Petition is to direct the respondents 1 and 2 to disconnect electricity connection to the property situated in Survey No.287/2, Ward 2, Nainampatty Road Street, Edapadi Municipal, Salem District.

2. The learned counsel appearing for the Writ Petitioner states that he is the owner of the property and the electricity service connection was erroneously granted in favour of the respondents 4 and 5. Thus, he made an application to the authorities competent to disconnect the electricity connection and the same has not been considered. Thus, the Writ Petitioner is constrained to move the present Writ Petition.

3. The learned counsel appearing on behalf of the respondents 4 and 5 opposed the contentions of the petitioner by stating that they are in possession and enjoyment of the property and by producing all necessary documents, they have availed the electricity service connection from the Electricity Board. Thus, the service cannot be disconnected. This apart, the Writ Petitioner has already filed a Civil Suit in O.S.No.134 of 2004 which is now pending before the District Munsif Court at Edapadi Taluk, Salem District. Thus, during the pendency of the suit, the respondents 1 and 2 cannot take action in respect of the claim sought for, by the Writ Petitioner.

4. This Court is of an opinion that Electricity service is an essential service. The respondents 4 and 5 claims that they are in possession and enjoyment of the property. This apart, it is an admitted fact that a Civil Suit has been filed between the parties and the same is pending before the competent Civil Court of Law.

5. Considering the facts and circumstances, the respective parties are at liberty to approach the respondents 1 and 2 only after the conclusion of the civil litigations, which is now pending before the Civil Court. Only after the conclusion of the Civil litigations pending before the competent Civil Court of law and only if the civil rights are ascertained, thereafter, the parties are at liberty to approach the competent officials to disconnect the service in accordance with law. During the pendency of the said Civil Suit, the Writ Petitioner's premises provided with service connection need not be disturbed.

6. In this view of the matter, the claim sought for by the Writ Petitioner for disconnecting the electricity connection, cannot be considered. Hence, the Writ Petition is dismissed without costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(CS-IX)

// True Copy//

Sub Assistant Registrar

gbi/ay

To

1. The Executive Engineer,
Edapadi Electricity Contribution Circle,
Edapadi,
Salem.
2. The Assistant Engineer,
Operation & Maintenance,
Vellandi Valasu,
Edapadi Taluk,
Salem District-637 105.
3. The Divisional Engineer,
Edapadi Taluk,
Salem District.

+lcc to Mr.P.R.Balasubramanian, Advocate SR.No.59885

+lcc to Mr.SAi & Bharath, Advocate SR.No.59925

सत्यमेव जयते

W.P.No.22166 of 2017

PVS (CO)

RMP (26/09/2018)

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