

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2018

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.22212 of 2017

G.Shanmugam

... Petitioner

Vs.

1.The Superintendent Engineer,
Tamil Nadu Electricity Board (TANGEDCO),
Gandhi Nagar, Vellore Taluk,
Vellore District.

2.The Junior Engineer,
Tamil Nadu Electricity Board (TANGEDCO),
Kaniyambadi, Vellore Taluk,
Vellore District.

3.G.Ravi

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of mandamus directing the 2nd respondent to provide restoration of electricity service connection in No.230-003-599 provided to my above mentioned 55 cents of separate agricultural landed property comprised in Survey No.93/3B situate in Palambakkam Village, Vellore Taluk, Kaniyambadi Sub Registration District, Vellore District forthwith as per the representation dated 01.07.2017.

For Petitioner : Mr.S.Arun Kumar

For Respondents: Mr.M.Varun Kumar,
Standing Counsel (R1 & R2)
Ms.R.T.Sundari (R3)

O R D E R

This Writ Petition has been filed by the petitioner, brother of the 3rd respondent, seeking for issuance of Writ of mandamus directing the Junior Engineer viz., the 2nd respondent to provide restoration of electricity service connection in No.230-003-599 provided to the 55 cents of separate agricultural landed property comprised in Survey No.93/3B situate in Palambakkam Village, Vellore Taluk, Kaniyambadi Sub Registration District, Vellore District based on the representation dated 01.07.2017.

2.The learned standing counsel appearing for the respondents 1 & 2 has filed a detailed counter affidavit. The learned standing counsel has submitted that the 3rd respondent has filed a Civil Suit in O.S.No.161 of 2015 along with an application in I.A.No.567 of 2015 under Order 39 Rules 1 & 2 read with Section 151 of the Civil Procedure Code for temporary injunction to restrain the 2nd respondent from giving electricity connection in respect of the petition mentioned property. The Principal District Munsif, Vellore, by order dated 08.02.2017, allowed the application in I.A.No.567 of 2015 granting injunction and directed the 2nd respondent not to effect any electricity service connection in favour of the petitioner, in the suit property until further orders. The said suit is pending and therefore, the petitioner cannot press his prayer, unless he gets an order from the Civil Court.

3.This Court also perused the order passed by the Principal District Munsif, Vellore dated 08.02.2017 directing the 2nd respondent therein not to give electricity service connection to the petitioner.

4.In view of the above, the Writ Petition stands dismissed. It is open to the petitioner to approach the Civil Court for appropriate relief.

5.At this juncture, the learned counsel appearing for the petitioner has submitted that the petitioner would not be in a position to cultivate his land and the Civil Court may be directed to dispose of the suit at the earliest. The learned counsel has further submitted that the petitioner may be permitted to produce relevant documents before the Civil Court.

6.Considering the submission made by the learned counsel, the petitioner is permitted to produce the relevant documents available with him. The Principal District Munsif, Vellore is directed to dispose of the suit as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order. No costs.

Sd/-
Deputy Registrar(CS)

//True Copy//

Sub Assistant Registrar

va

To

1. The Principal District Munsif, Velllore.

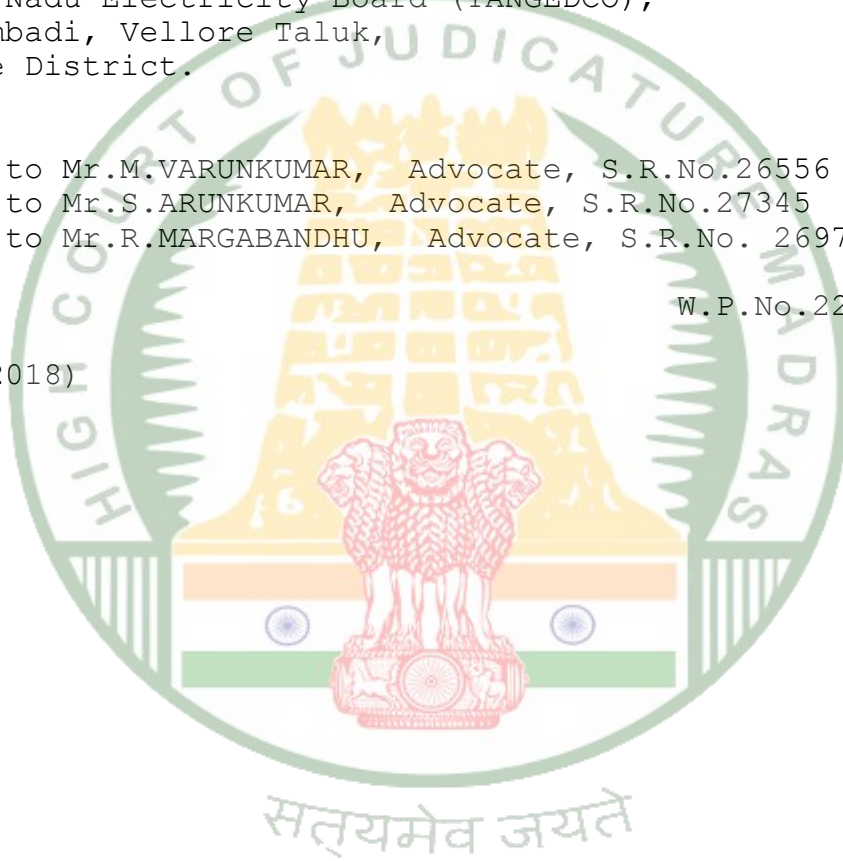
2.The Superintendent Engineer,
Tamil Nadu Electricity Board (TANGEDCO),
Gandhi Nagar, Vellore Taluk,
Vellore District.

3.The Junior Engineer,
Tamil Nadu Electricity Board (TANGEDCO),
Kaniyambadi, Vellore Taluk,
Vellore District.

+1cc to Mr.M.VARUNKUMAR, Advocate, S.R.No.26556
+1cc to Mr.S.ARUNKUMAR, Advocate, S.R.No.27345
+1cc to Mr.R.MARGABANDHU, Advocate, S.R.No. 26971

W.P.No.22212 of 2017

TR(25/04/2018)



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