

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.09.2018

CORAM:

THE HONOURABLE MR. JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.A.No.1951 of 2018 and CMP.No.15568/2018

P.Maruthamuthu

... Appellant

Vs

1. P.Ramasamy

2. The Superintendent Engineer,
Tamil Nadu Electricity Board,
TNEB Complex,
TATABAD,
Coimbatore-614 012.

3. The Assistant Engineer,
Sivanandapuram,
Saravanampatti,
Coimbatore-641 003.

... Respondents

Prayer : Writ Appeal filed under Clause 15 of the Letter Patent against the order dated 22.04.2014 made in W.P.No.11362 of 2014 by a learned Single Judge.

For Appellant :: Mr.A.E.Ravichandran

For Respondents :: Mr.S.K.Rameshuwar
2 and 3

JUDGMENT

Judgment of the Court was pronounced by HULUVADI G.RAMESH,J.)

The Writ Appeal is directed against the order dated 22.04.2014 made in W.P.No.11362 of 2014 by a learned Single Judge.

2. The said Writ Petition has been filed by the 1st respondent herein seeking to issue a Writ of Mandamus, directing the 2nd respondent therein to provide new Electricity Connection to the writ petitioner notwithstanding the pendency of the civil suit, after accepting the indemnity bond and the same was disposed of by the learned Single Judge by order dated

22.04.2014. Aggrieved over the same, the present Writ Appeal has been filed by the appellant who is a third party to the writ proceedings.

3. The matter is listed today under the caption, ''for admission''.

4. Heard the learned Counsel for the appellant and the learned Standing Counsel for the respondents 2 and 3. We have also perused the materials available on record carefully.

5. At the outset, it appears that the 1st respondent herein filed a Writ Petition seeking to issue a Writ of Mandamus, directing the 2nd respondent therein to provide new Electricity Connection to the writ petitioner notwithstanding the pendency of the civil suit, after accepting the indemnity bond and the learned Single Judge has passed an order directing the 2nd respondent therein to consider the representation of the writ petitioner dated 24.03.2014 and pass orders on merits and in accordance with law after issuing notice to the writ petitioner and after conducting enquiry, within a period of 12 weeks from the date of receipt of a copy of that order. Aggrieved over the same, the present appeal has been filed by the appellant who filed O.S.No.1294/2014 before the District Munsif Court, Coimbatore against the 1st respondent herein seeking permanent injunction restraining the 2nd respondent from giving an electricity connection to the writ petitioner. Since the appellant is not a party to the writ proceedings, he has no locus standi to file the present writ appeal.

6. At this stage, the learned Standing Counsel for the respondents 2 and 3 submitted that electricity connection was already effected to the 1st respondent herein as per the order passed by the learned Single Judge. Therefore, notice to the 1st respondent is dispensed with.

7. Under such circumstances, we are of the view that the parties are at liberty to work out their remedy in the suit pending in O.S.No.1294/2014 before the District Munsif Court, Coimbatore.

8. With the above observation, the Writ Appeal is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-IX)

//True copy//

Sub Assistant Registrar

tsi

To

1. The Superintendent Engineer,

Tamil Nadu Electricity Board,
TNEB Complex,
TATABAD,
Coimbatore-614 012.

2. The Assistant Engineer,
Sivanandapuram,
Saravanampatti,
Coimbatore-641 003.

+1cc to Mr.A.E.Ravichandran, Advocate SR.No.65917

W.A.No.1951/2018

GMV (25/10/2018)



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