

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2018

C O R A M

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.No.14266 of 2014

and

M.P.No. 1 of 2014

Mrs.P.Vijaya

...Petitioner

Vs.

1.The Executive Engineer
Tamil Nadu Electricity Board
Chengalput District.

2.The Junior Engineer
Tamil Nadu Electricity Board
Maraimalai Nagar
Chengalput Taluk & District.

3.Mr.E.Gnanasekar

... Respondents

Prayer Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents 1 and 2 herein to terminate the four Electricity Service Connection Nos.569-019-679, 686, 687 and 688 standing in the name of Mr.E.Gnanasekar, the 3rd respondent herein, in the premises situate in Survey No.9, Vallancherry, No.52, Thailavaram Village, Chengalput Taluk, Kancheepuram District.

For Petitioner : Mr.K.V.Babu

For Respondents :Mr.S.K.Raameshwar [For R1 & R2]
Mr.V.Lakshminarayanan [For R3]

O R D E R

The relief sought for in this writ petition is for a direction to direct respondents 1 and 2 herein to terminate the Electricity Service Connection Nos.569-019-679, 686, 687 and 688 standing in the name of Mr.E.Gnanasekar, the 3rd respondent herein, in the premises situate in Survey No.9, Vallancherry, No.52, Thailavaram Village, Chengalput Taluk, Kancheepuram District.

2.The learned counsel appearing on behalf of the writ petitioner strenuously contended that the petitioner is an absolute owner of the land, which is the subject matter in this writ petition. The learned counsel for the petitioner further states that the electricity service connection is provided in the land belongs to the writ petitioner and therefore, the same is to be removed.

3.The learned counsel for the third respondent opposed the contention by stating that the writ petitioner is not the owner of the said property and the third respondent is only the owner of the property and on his application the service connection was provided and he must be allowed to enjoy the service connection as provided by respondents 1 and 2 in accordance with law.

4.This court is of an opinion that the title and the ownership of the respective parties cannot be adjudicated in a writ proceedings under Article 226 of the Constitution of India. At this juncture, the learned counsel appearing for the third respondents brought to the notice of this court that O.S.No.264 of 2016, is pending before the learned District Munsif Court, Chengalpet, in which the writ petitioner is also a party defendant. The suit is for bare injunction and an interim injunction was granted by the District Munsif Court, Chengalpet.

5.Under these circumstances, there cannot be any findings in respect of disputes pending before the competent civil court. The title and other issues in relation to the property are to be adjudicated by conducting a full fledged trial by the competent civil court. This being the factum of the case, this court cannot grant the relief as such sought for in this writ petition.

6.The electricity is an essential service, no person can be deprived of the benefit of electricity as it is declared as an essential one. Therefore, a citizen cannot be denied of electricity power for usage. Under these circumstances, respondents 1 and 2 are duty bound to consider all these issues and take a decision for providing electricity connection in a particular survey number and the disputes raised therein.

7.Under these circumstances, the writ petitioner as well as the third respondent are permitted to submit their respective documents to respondents 1 and 2 in respect of providing electricity connection in a particular survey number. On receipt of all such documents both from the petitioner as well as from the third respondent, the competent authorities are at liberty to consider the same and take a decision in accordance with law.

8.With these observations, this writ petition stands disposed of. Consequently, connected miscellaneous petition is closed. However, there is no order as to costs.

Sd/-
Assistant Registrar (CS V)

//True copy//

Sub Assistant Registrar

may

To

1.The Executive Engineer
Tamil Nadu Electricity Board
Chengalput District.

2.The Junior Engineer
Tamil Nadu Electricity Board
Maraimalai Nagar
Chengalput Taluk & District.

+1cc to Mr.V.Raghavachari, Advocate SR.No.29422

+1cc to Mr.S.K.Rameshuwar, Advocate SR.No.29742

+1cc to Mr.K.V.Babu, Advocate SR.No.29482

+1cc to Government Pleader SR.No.30336

W.P.No.14266 of 2014

NRI (CO)
GN(10/05/2018)

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