

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2018

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.14403 of 2017

R.Gunasekar

... Petitioner

vs.

1. The Assistant Engineer,
O & M/D/CEDC/TANGEDCO,
Velliyur - 602 027
Thiruvallur Taluk and District.

2. S.Thulasiraman

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a writ of Certiorarified Mandamus calling for the records comprised in Lr.No.A.E.O&M/Velliyur/Ko.Thani/A.no.006, dated 17.05.2017, on the file of the first respondent, quash the same and consequently forbear the first respondent, from granting electricity connection to the second respondent in respect of the agricultural land in S.No.152/1, Velliyur Village, Thiruvallur Taluk and District.

For Petitioners: M/s. R.Karthikeyan

For Respondent : Mr. S.K.Rameshwar for R1
for TNEB
Mr.K.Kannan for R2

OR D E R

The order of the impugned passed by the respondent in proceedings dated 17.05.2017 in respect of the objections submitted by the writ petitioner not to provide electricity service connection in favour of the 2nd respondent is under challenge in this writ petition.

2. The learned counsel appearing on behalf of the writ petitioner states that, civil litigations are pending between the petitioner and the second respondent in O.S.No.597 of 2007

and in O.S.No.271 of 2007 before the District Munsif Court, Thiruvallur.

3. During the pendency of the civil dispute, the 1st respondent Electricity Board has made an attempt to provide an electricity connection in favour of the 2nd respondent. Thus the writ petitioner submitted an objection not to provide electricity service connection to the 2nd respondent till the civil suits are disposed of.

4. In these circumstances, the 1st respondent directed the writ petitioner to submit certain documents enabling them to consider his claim. Instead of submitting the documents the writ petitioner has chosen to move this present writ petition. This Court is of an opinion that, the electricity service connection is an essential service. On account of certain civil disputes the electricity service cannot be denied to the citizen on certain grounds. However, the electricity service connection shall be provided subject to the final orders to be passed in the civil litigations in the present case.

5. The learned counsel for the second respondent states that, the 2nd respondent submitted an application seeking electricity for agricultural usage and now he is using diesel motor pumps which will cost more. Under these circumstances, the 1st respondent shall consider the case of the 2nd respondent for providing electricity connection by way of entering measure till the disposal of the civil suit pending before the competent Civil Court of Law. After the disposal of civil suits, the respective parties are at liberty to submit a fresh application for alteration of name or for cancellation of electricity connection or otherwise.

5. With the above directions, this writ petition stands disposed of. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

pkn/pns

To

The Assistant Engineer,
O & M/D/CEDC/TANGEDCO,
Velliur - 602 027
Thiruvallur Taluk and District.

+1cc to M/s. R.Karthikeyan, Advocate sr.no.64341

W.P.No.14403 of 2017

nr 03/10/2018



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