

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:24.10.2018

CORAM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.27951 of 2018

B.Venkatesan

..Petitioner

-vs-

1. The Chairman cum Managing Director
Tamil Nadu Electricity Board
NPKRR Maaligai
No.144, Anna Salai
Chennai 600 002.
2. The Executive Engineer
Tamil Nadu Electricity Board
IT Corridor Division Construction
33/11 KV Tharamani SS Complex
MGR Main Road, Tharamani
Chennai 600 113.
3. The Junior Engineer
Tamil Nadu Electricity Board
IT Corridor Division Construction
33/11 KV Tharamani SS Complex
MGR Main Road, Tharamani
Chennai 600 113.
4. The Assistant Engineer
Tamil Nadu Electricity Board
No.110, K.V.Perungudi, S.S.Complex
Perungudi Industrial Estate
Perungudi, Chennai 600 096.
5. The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Thalamuthu Natarajan House
Egmore, Chennai 600 008.
6. The Zonal Officer
Zone-14
Greater Corporation of Chennai
No.6/64, Puzhuthivakkam Main Road
Chennai 600 091.
7. The Ward Officer, Ward No.184
Greater Chennai Corporation

School Road
Anna Nedunchalai, CBI Colony
Perungudi, Chennai 600 096.

8. Mr.M.Kailasam
9. Mr.D.Dhanasekaran
10.Mr.D.Arulmurugan
11.Mr.M.K.Murugan
12.Mr.M.K.Dhayalan
13.Mr.V.K.Manoj

..Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents 1 to 7 to consider the petitioner's representation dated 20.7.2018 and to disconnect electricity connection 326-001-944 of the respondents 9 to 13 standing in the name of the 8th respondent Mr.Kailasam and demolish the illegal construction of the respondents 9 to 13.

For Petitioner :: Mr.L.J.Vengaesh

For Respondents :: Mr.S.K.Rameshuwar
Standing Counsel for R1 to 4

ORDER

(Order of the Court was made by K.K.SASIDHARAN, J.)

The petitioner filed this writ petition for issuance of a writ of mandamus directing the respondents 1 to 7 to disconnect the supply given to the respondents 9 to 13 and demolish the illegal construction stated to have been put up by the respondents 9 to 13 by encroaching upon his property.

2. The petitioner has already filed civil suits in O.S.Nos.209 to 213 of 2018 on the file of Subordinate Court, Tambaram against the respondents 9 to 13 for recovery of possession.

3. The question as to whether the petitioner is entitled to recovery of possession is essentially an issue to be decided by the civil Court. There is no question of resorting to parallel proceedings by directing the Electricity Department to disconnect the supply given to the respondents 9 to 13. The remedy of the petitioner is only to prosecute the civil suits now pending before the civil Court. We, therefore, do not find any reason to issue a mandamus as prayed for by the petitioner.

4. In the upshot, we dismiss the writ petition. No costs.
Ss

Sd/-
Assistant Registrar(CS IX)

To

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+1cc to Mr.S.K.Rameshuwar, Advocate S.R.No.72888
+1cc to Mr.K.Arunprasad, Advocate S.R.No.72285

KR/13/11/18

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