



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 27.09.2018

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
C.R.P. (MD) (PD)Nos.573 & 1893 of 2018 and
C.M.P. (MD)Nos.2545 & 8218 of 2018

WEB COPY

1. The Superintending Engineer,
General Construction Circle,
Tamil Nadu Electricity Board,
K.Pudur, Madurai.
2. The Superintending Engineer,
Tamil Nadu Electricity Board,
Office of Thiyagaraja Nagar,
Maharaja Nagar Post,
Tirunelveli District. ... Revision petitioners/1st and 2nd
Respondents/Defendants
in both petitions

Vs.

R.Ansar Ali

... Respondent/Petitioner/Plaintiff
in both petitions

PRAYER IN C.R.P.(MD)No.573 of 2018 : Civil Revision Petition is filed under Article 227 of the Constitution of India, to struck off the plaint in O.S.No.521 of 2015 on the file of the Principal District Munsif Court, Tirunelveli by allowing this Civil Revision petition.

PRAYER IN C.R.P. (MD) (PD)No.1893 of 2018 : Civil Revision Petition is filed under Article 227 of the Constitution of India, to allow this Civil Revision petition and set aside the interim order granted in I.A.No.1304 of 2015 in O.S.No.521 of 2015 on the file of the Principal District Munsif Court, Tirunelveli.

(in both petitions)

For Petitioners	: M/s.S.Srimathy, for Mr.S.M.S.Johnny Basha
For Respondent	: No appearance.

COMMON O R D E R

The respondent herein Thiru.Ansar Ali filed O.S.No.521 of 2015 on the file of the Principal District Munsif Court, Tirunelveli, seeking the relief of mandatory injunction as well as permanent injunction in respect of High tension Powers installed by the Tamil Nadu Electricity Board. The trial Court granted interim relief in his favour in I.A.No.1304 of 2015. Questioning the granting of interim relief, C.R.P.(MD)No.1893 of 2018 has been filed. Seeking to strike off the plaint from the file of the Court, C.R.P.(MD) No.573 of 2018 has been filed. Since both the Civil Revision



petitions are interconnected, they have been clubbed together and taken up for disposal.

2. The respondent Ansar Ali has been served and his name is also printed in the cause list, but he has not chosen to enter appearance either in person or through counsel.

3. The learned Standing counsel for Tamil Nadu Electricity Board advanced her submissions in the light of the recent decision of the Madras High Court reported in (2018) 1 L.W. 203 (Superintending Engineer, T.N.E.B. V. Sri.Balaji Educational and Charitable Trust and another). The learned Judge held that the disputes relating to the installation of powers by the Electricity Board Authority pursuant to the powers conferred under Indian Telegraphs Act, 1885, will have to be determined only by the District Collector who holds the rank of the District Magistrate. Therefore, challenge to erection of powers will have to be agitated only before such Authority and not before the Civil Court. The learned Judge in the aforesaid decision has held that the civil suit in these circumstances is not maintainable. In view of Section 17 of the Indian Telegraph Act. The said decision applies squarely to the facts and circumstances of this case.

4. Therefore, the order impugned in C.R.P.(MD)No.1893 of 2018 is set aside and C.R.P.(MD)No.1893 of 2018 stands allowed, accordingly. C.R.P.(MD)No.573 of 2018 stands allowed and the plaint in O.S.No.521 of 2015 is directed to be struck off from the file of the Principal District Munsif Court, Tirunelveli. No costs. Consequently, connected Miscellaneous petitions are closed.

Sd/

Assistant Registrar(W)

/True copy/

Sub Assistant Registrar(CS-I)

To

The Principal District Munsif,
Tirunelveli.

COPY TO

The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court, Madurai. (2 COPIES)

+2cc to Mr.S.M.S.Johnny Basha, Advocate, SR.No.87463,87462

C.R.P.(MD).Nos.573 & 1893 of 2018 and
C.M.P.(MD)Nos.2545 & 8218 of 2018
27.09.2018

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