



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD) No.1454 of 2016

WEB COPY

V.Muthuramalingam

... Petitioner

vs.

1.The District Collector
Ramanathapuram District
Ramanathapuram

2.The Superintending Engineer
TANGEDCO Limited
Ramanathapuram Electricity
Distribution Circle
Ramanathapuram

3.The Executive Engineer
TANGEDCO Limited
Ramanathapuram Electricity
Distribution Circle
Ramanathapuram

4.The Assistant Engineer
(Distribution)
TANGEDCO Limited
Thiruvadanai
Ramanathapuram District

5.Marimuthu

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents 2 to 4 to shift the electricity connection No.312-017-163 line far away from the petitioner's land in S.No.181/56 situated at Kurunthankudi Village, Kavalavendran Post, Thiruvadanai Taluk, Ramanathapuram District.

For Petitioner : Mr.J.John

For Respondents : Mr.A.Muthu Karuppan

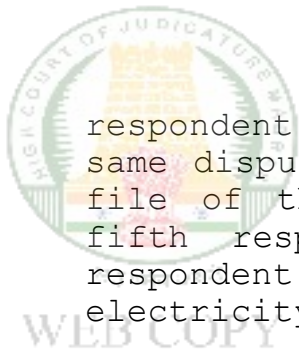
Additional Government Pleader for R1

Mrs.M.Rajeswari

for Mr.S.M.S.Johnny Basha for R2 to R4

O R D E R

The petitioner has approached this Court seeking a direction to the respondent - TANGEDCO to shift the electricity service connection granted in respect of the property belong's to the fifth



respondent to a different place. It appears that in regard to the same dispute, a civil suit is pending in O.S.No.25 of 2014, on the file of the learned District Munsif, Thiruvadanai, filed by the fifth respondent, seeking permanent injunction as against the respondent - Electricity Board restraining them from shifting the electricity service connection granted to his property.

2. In response to the notice ordered in this writ petition, a reply affidavit has been filed on behalf of the respondent - TANGEDCO, wherein the above fact has been disclosed. In view of the pendency of suit proceedings before the Civil Court, the respondent - TANGEDCO is unable to accede to the request of the petitioner. Therefore, the learned counsel appearing for the respondent - TANGEDCO would submit that it is upto the petitioner to workout his remedy in the pending civil litigation.

3. This Court is in agreement with the submissions made by the learned counsel appearing for the respondent - TANGEDCO.

4. In view of the pendency of civil litigation before the competent Civil Court in regard to the same dispute as between the petitioner and the fifth respondent, this Court cannot issue any direction in a collateral proceedings. In case this Court issues any direction in this writ petition, it will affect the outcome of the suit proceedings pending between the parties concerned.

5. For the above said reasons, this writ petition is not maintainable and the same is, therefore, dismissed. However, it is open to the petitioner to seek appropriate relief in the pending civil suit, if he is so advised. No costs.

Sd/-
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS-II)

krk

To:
The District Collector,
Ramanathapuram District,
Ramanathapuram.

- 1 CC TO Mr.J.John , ADVOCATE IN SR No. 85679.
 - 1 CC TO Special Government Pleader in sr.no.86228.
- DS RP SAR2 23 10 2018 2P 4C