

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

Writ Petition No.3252 of 2012

ORDER:

This Writ Petition is filed seeking a writ of mandamus to declare the proceedings of the Eastern Power Distribution Company Limited dated 16.07.2011, in rejecting release of electrical service connection in favour of the petitioner, as illegal and arbitrary.

The petitioner's case is that their application for grant of electricity service connection was rejected on the ground of pendency of O.S.No.87 of 2011 on the file of the Principal Junior Civil Judge, Anakapalli. The Suit, in O.S.No.87 of 2011, was filed by the 3rd respondent and his brother claiming that the subject property belonged to them; and the sale deed, executed in the petitioner's favour by Smt.M.Savithri, was not binding on them. Both in the Suit, and in the I.A, the petitioner claimed that they were bona-fide purchasers of the subject property; and the 3rd respondent was not entitled to the relief sought for. On the ground that mere pendency of the Suit does not disable the authorities from granting electricity service connection, the jurisdiction of this Court is invoked.

In the counter-affidavit filed by the Assistant Divisional Engineer, it is stated that they received a legal notice from the Advocate not to release the new service connection; and as per the departmental procedure, service connection is not granted if there are any legal cases pending against the premises.

No interim order was passed in the Writ Petition and, in view thereof, no electricity service connection would have been granted

to the petitioner during the pendency of the Suit. While the Suit relates to the year 2011 (O.S.No.87 of 2011), it is not known what transpired thereafter. Suffice it, therefore, to make it clear that it is always open to the petitioner, after disposal of the Suit, to make an application for electricity service connection afresh; and, on such an application being made, the official respondents shall consider the same in accordance with law.

The Writ Petition stands disposed of accordingly. The Miscellaneous Petitions pending, if any, shall also stand closed. No order as to costs.

Date:02-05-2018.
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RAMESH RANGANATHAN, ACJ.

