

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2019

CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

W.P. 34223 of 2004
and W.P.M.P. 41346 of 2004

P.Chinnaiyan

... Petitioner

Vs.

1. Tamil Nadu Electricity Board,
rep. by the Executive Engineer,
CEDC North, Ponneri, Tiruvallur District.
2. Tamil Nadu Electricity Board,
rep. by the Asst. Executive Engineer/O&M,
CEDC North, Ponneri, Tiruvallur District.
3. Tamil Nadu Electricity Board,
rep. by the Asst. Engineer,
CEDC North, Elavoor, Gummidipoondi Taluk,
Tiruvallur District.
4. Tamil Nadu Electricity Board,
rep. by the Junior Engineer/O&M,
CEDC North, Elavur,
Gummidipoondi Taluk. ... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records of the 4th respondent in his proceedings Lr.No.JE./O&M/Elavoor/Ko.Thani/A.No.252/2004, dated 17.11.2004 and quash the same as arbitrary, unjustifiable and baseless.

For Petitioner : Mr.R.Munuswamy

For Respondents : Mr.P.R.Dhilipkumar,
Standing Counsel

O R D E R

This Writ Petition has been filed challenging the show cause notice issued by the Tamil Nadu Electricity Board on the ground that the petitioner has suppressed the Civil Suit filed in O.S.No. 205/2001 on the file of District Munsif, Ponneri and obtained the electricity connection. Against which, the present Writ Petition has been filed.

2. Mr.R.Munuswamy, learned counsel appearing for the petitioner would submit that when a third party has filed a suit against a third party not to give electricity line, however, the petitioner is not a party in the suit. Hence, the question of disclosing the number of the suit does not arise. By virtue of the order of this Court, the petitioner is continuously enjoying the electricity connection. Accordingly, he prayed to allow this Writ Petition.

3. Mr.P.R.Dhilipkumar, learned standing counsel appearing for the respondents Board would submit that though the petitioner is not a party in the suit, however, the suit was dismissed for default on 15.09.2003. The learned counsel has further submitted that it will not be an impediment for the Electricity Board to give electricity connection, however, the petitioner is enjoying the electricity connection. Accordingly, he prayed to pass appropriate orders.

4. In view of above, on considering the civil proceedings initiated by the neighbouring landowners of the petitioner, which was dismissed on 15.09.2003 and further, the petitioner has not suppressed any pendency of the case and he is not a party in the civil suit. Hence, the reasons assigned in the impugned order will not sustain. Therefore, the present Writ Petition stands allowed. However, this Court makes it clear that the order of this Court will not stand on the Electricity Board to comply the order, if any passed by the Civil Court is binding on the parties. No costs. Consequently, connected Writ Petition Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Executive Engineer, Tamil Nadu Electricity Board,
CEDC North, Ponneri, Tiruvallur District.
2. The Asst. Executive Engineer/O&M, Tamil Nadu Electricity Board,
CEDC North, Ponneri, Tiruvallur District.
3. The Asst. Engineer, Tamil Nadu Electricity Board,
CEDC North, Elavoor, Gummidipoondi Taluk,
Tiruvallur District.
4. The Junior Engineer/O&M, Tamil Nadu Electricity Board,
CEDC North, Elavur, Gummidipoondi Taluk.

+1 cc to M/s.R.Munusamy, Advocate Sr.No. 62022

+1 cc to M/s.P.R.Dhilip Kumar, Advocate Sr.No. 61763

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PPA(C.O.)

AKM/ 16.08.19/ 2P- 7C /