

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2019

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.21980 of 2013
& MP No.1 of 2013

P.Anandavalli Ammal

.. Petitioner

Vs.

1.The Tamilnadu Electricity Board,
rep. by its Chairman,
800, Anna Salai, Chennai-600 002

2.The Superintending Engineer,
(Operation & Maintenance),
Tamilnadu Electricity Board,
Tindivanam, Villupuram District

3.The Assistant Executive Engineer,
(Operation & Maintenance),
Tamilnadu Electricity Board,
Sendur, Villupuram District.

4.The Assistant Electric Engineer,
(Operation & Maintenance),
Tamilnadu Electricity Board,
Vedur-605 602, Villupuram District.

5.Lakshmikantham

..Respondents

Petition filed under Article 226 of The Constitution of India praying for issuance of a Writ of Ceriorarified Mandamus to call for the records from the 4th respondent herein pertaining to his order dated 29.07.2013 made in A.E.E./O&M/Vedur/D.Petition/A.No.60/2013 and to quash the same and direct the respondents 1 to 4 to restore the petitioner's electricity service connection no.992 in Survey No.61/1 of Palapattu Village, Tindivanam Division, Tindivanam Taluk, Villupuram District.

For Petitioner .. Mr.T.Dhanasekaran
For Respondents.. Mr.M.Varunkumar, Standing Counsel
for RR1 to 4
For R5 ...Mr.P.Thiagarajan

ORDER

This petition has been filed challenging the order dated 29.07.2013 disconnecting the petitioner's service connection given to the petitioner's house in New S.No.61/1 of Palapattu Village, Tindivanam Division, Villupuram District in the light of the order dated 29.07.2013 passed by the 4th respondent.

2.The learned counsel for the petitioner would submit that when the judgment and decree passed in AS.No.31 of 2013 dated 29.04.2013 has been taken up in Second appeal, vide impugned order hurriedly passed by the 4th respondent disconnecting the electricity service connection belonging to the petitioner, is untenable and unsustainable.

3.The learned counsel for the fifth respondent would submit that the above mentioned second appeal, till date, has not been admitted and only it is at notice stage. The judgment and decree passed by the trial Court dated 28.06.2012 have been subsequently, confirmed by the judgment and decree of the lower appellate court dated 29.04.2013 in A.S.No.31 of 2012.

4. This Court finds no illegality or infirmity in the impugned order and therefore, the contention made by the learned counsel for the petitioner that as against the judgment and decree dated 29.04.2013 in AS.No.31 of 2012, a Second Appeal has been filed and during the pendency of the Second Appeal, disconnection of electricity service connection should not be made, cannot be accepted.

5. Since it has been found that there is no merit in the petitioner's case, this Court is unable to entertain the writ petition. Accordingly, the Writ Petition is dismissed. However, it is made clear that if the petitioner succeeds in the second appeal, it is open to him to work out his remedy in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

dn

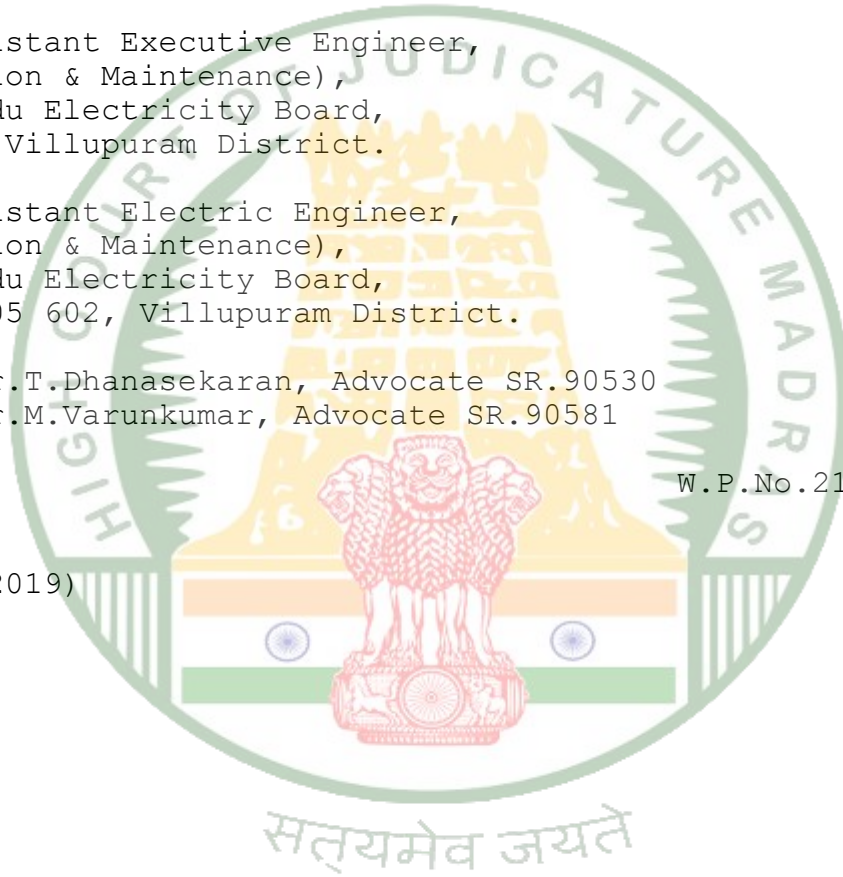
To

- 1.The Tamilnadu Electricity Board,
rep.by its Chairman,
800, Anna Salai, Chennai-600 002.
- 2.The Superintending Engineer,
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Tamilnadu Electricity Board,
Tindiavanam, Villupuram District.
- 3.The Assistant Executive Engineer,
(Operation & Maintenance),
Tamilnadu Electricity Board,
Sendur, Villupuram District.
- 4.The Assistant Electric Engineer,
(Operation & Maintenance),
Tamilnadu Electricity Board,
Vedur-605 602, Villupuram District.

+1cc to Mr.T.Dhanasekaran, Advocate SR.90530
+1cc to Mr.M.Varunkumar, Advocate SR.90581

W.P.No.21980 of 2013

AD(CO)
CB(13/12/2019)



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