

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.4121 of 2019

S.Suresh .. Petitioner

-vs-

1. The Chairman
TANGEDCO, (TNEB)
Anna Salai
Chennai 600 002

2. The Executive Engineer
TANGEDCO, (TNEB)
K.K.Nagar
Chennai 600 078

3. The Assistant Engineer
TANGEDCO (TNEB)
K.K.Nagar
Chennai 600 078

4. Jayavalli .. Respondents
W/o late Mr.Karunanidhi

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents 1, 2 and 3 not to give new connection in the name of the fourth respondent for the petitioner's property situated at No.66/91, 8th Street, Kamarajar Colony, Kodambakkam, Chennai 600 024 comprised in T.S.No.3/1, 4/1 of Puliyur Village.

For Petitioner :: Mr.P.T.Perumal

For Respondents:: Mr.S.K.Rameshuwar
Standing Counsel for R1 to 3

ORDER

This writ petition has been wrongly filed when the civil suit filed by the fourth respondent on the file of the learned I Assistant Judge, City Civil Court, Chennai in O.S.No.3731 of 2018 is pending for passing a decree of partition among the petitioner, the fourth respondent and the other members in the

same family. When it is a settled legal position that during the pendency of the civil suit between the parties, one of the parties cannot invoke the writ jurisdiction, as the parallel proceedings are impermissible, this writ petition stands dismissed giving liberty to the petitioner to approach the civil Court where the O.S.No.3731 of 2018 is pending for appropriate relief. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ss

To

1. The Chairman
TANGEDCO, (TNEB)
Anna Salai
Chennai 600 002
2. The Executive Engineer
TANGEDCO, (TNEB)
K.K.Nagar
Chennai 600 078
3. The Assistant Engineer
TANGEDCO (TNEB)
K.K.Nagar
Chennai 600 078

Copy To

The 1st Assistant Judge,
City Civil Court,
Chennai.

+1cc to Mr. P.T.Perumal, Advocate, S.R.No.13304
+1cc to Mr. S.K.Rameshuwar, Advocate, S.R.No. 12744

W.P.No.4121 of 2019

GN(15/02/2019)