

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2019

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI
AND
THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

W.A.No. 541 of 2019
And
C.M.P.No. 4719 of 2019

K.Revathi

Appellant/6th Respondent

Vs.

1. C.Ravikumar
2. The Chairman
Tamil Nadu General & Distribution Corporation
No.144, Anna Salai
Chennai - 600 002.
3. The Assistant Engineer
Coimbatore Electricity Distribution Circle,
TANGEDCO, Samalapuram - 641 668,
Palladam Taluk, Tiruppur District.
4. P.Loganathan
5. P.Rathinasamy
6. Geetha

Respondents 2 to 6/
Respondents 1 to 5

Writ Appeal filed under Clause 15 of Letters Patent against the order dated 10.01.2019 made in W.P.No. 18233 of 2017 by the learned Single Judge.

WP.NO.18233/2017:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the 1st respondent from effecting electricity service connection to the respondents 3 to 6 in respect of illegally constructed building situated in S.No.693 of Samalapuram Village, Sular SRO, Palladam Taluk, Tiruppur District.

For Appellant : Mr. C.Prakasam
For R1 : Mr. S.Doraisamy
For RR 2 & 3 : Mr. S.K.Raameshwar
For RR 4 to 6 : No appearance

J U D G M E N T

(Delivered by DR.VINEET KOTHARI, J)

The Appellant has filed the present intra Court Appeal aggrieved by the Order of the learned Single Judge dated 10.01.2019 whereby the Writ Petition filed by C.Ravikumar against the Chairman of Tamil Nadu Generation and Distribution Corporation and others including the present Appellant / Respondent No.6, was disposed of with the following observation:-

"6. Accordingly, this Writ Petition is disposed of, by directing the respondents 3 to 6 to work out their remedy before the Civil Court. Till an order is passed by the Civil Court in respect of claim of the respondents 3 to 6 for service connection, the respondents 1 & 2 shall not effect the service connection to the building put up by the respondents 3 to 6 in the property situated at S.No. 693 of Samalapuram Village, Suler SRO, Palladam Taluk, Tiruppur District.

7. In view of the facts and circumstances as discussed supra, this Court is of the view that the Civil Court can take up the civil suit and dispose of the same on merits and in accordance with law, without loss of further time, since it is a simple suit for Bare Injunction. Accordingly, the District Munsif, District Munsif Court, Palladam, is directed to dispose of the suit filed by the petitioner in O.S.No. 115 of 2016 within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed."

2. The learned counsel for the appellant submitted that since the respondent, who was the plaintiff in the pending civil suit in O.S.No. 115 of 2016 could not have also filed the Writ Petition before this Court, the learned Single Judge has erred in passing the order impugned before this Court in the present Writ Appeal now.

3. Having heard the learned counsels appearing for the parties, we are satisfied that multiplicity of proceedings can not be allowed by invoking the writ jurisdiction once the parties have agitated their civil rights in a Civil Court. Even otherwise, the only proper remedy to decide such issues is a civil suit. In view of pendency of O.S.No. 115 of 2016, even now, we dispose of the present Writ Appeal with a liberty to the concerned parties to join the lis before the Civil Court in the pending suit only and agitate their respective rights.

4. With these observations, the Writ Appeal is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

vsg

To

1. The Chairman
Tamil Nadu General & Distribution Corporation
No.144, Anna Salai
Chennai - 600 002.

2. The Assistant Engineer
Coimbatore Electricity Distribution Circle,
TANGEDCO, Samalapuram - 641 668,
Palladam Taluk, Tiruppur District.

+1cc to Mr. C.Prakasam, Advocate sr.58490
+1cc to Mr.R.Rajarajan, Advocate sr.58217
+1cc to Mr. S.Doraisamy, Advocate sr.58377

W.A.No. 541 of 2019

And

C.M.P.No. 4719 of 2019

mp(co)
nr 29/08/2019