

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.31693 of 2016
and W.M.P.No.27502 of 2016

A.Kandasamy

... Petitioner

Vs.

1. The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
Operation and Maintenance, TANGEDCO,
Sendurai, Ariyalur District.
 2. The Assistant Engineer,
Tamil Nadu Electricity Board, (Village-2)
Operation and Maintenance, TANGEDCO,
Sendurai, Ariyalur District.
 3. The Chairman cum Managing Director,
Tamil Nadu Generation and
Distribution Corporation Limited (TANGEDCO)
NPKRR Maaligai, 144, Anna Salai,
Chennai 600 002.
 4. R.Balasubramanian
[R4 impleaded as per order dated 30.01.2018
by KRCBJ in W.M.P.No.35281/2017 in
W.P.No.31693 of 2016]
- ... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the production of the records relating to the order dated 07.05.2016 made in Ka.No.Vu.Mi.PO/O&M/Ki2/Se/Ko.Kottu/A.No.62/16-17 passed by the second respondent herein, quash the same and direct the respondents to provide electricity supply connection to the house of the petitioner at No.2/259A, South Street, Maruvathur, Sendurai Taluk, Ariyalur District.

For Petitioner : Mr.S.Senthil Nathan
For Respondents 1 to3 : Mr.P.Gunaraj
Fir Respondent 4 : Mr.K.Krishnamurthy

O R D E R

The petitioner has filed the above Writ Petition seeking for issuance of a Writ of Certiorarified Mandamus to call for the records of the second respondent relating to the order dated 07.05.2016 made in Ka.No.Vu.Mi.PO/O&M/Ki2/Se/Ko.Kottu/A.No.62/16-17, quash the same and consequently direct the respondents to provide electricity supply connection to his house.

2. The petitioner is a permanent resident of No.2/259A, South Street, Maruvathur, Sendurai Taluk, Ariyalur District. He had applied for electricity connection before the second respondent to his house. The same was rejected by the second respondent stating that the fourth respondent had filed a suit in O.S.No.257 of 2015 on the file of the District Munsif Court, Ariyalur objecting the proposed electricity supply connection to the petitioner's house. The said suit is filed by the fourth respondent herein seeking to restrain the respondents 1 and 2 herein from erecting electricity pillars and giving electricity connection. Pending suit, the fourth respondent also filed an interlocutory application in I.A.No.477 of 2015 under Order 39 Rules 1 and 2 C.P.C. After contest and considering the submissions elaborately, the learned District Munsif, Ariyalur had passed an order stating that the documents produced by the plaintiff therein/fourth respondent do not convey any right or title to the fourth respondent in the suit lane. As no prima facie case and balance of convenience is proved, the said I.A. was dismissed.

3. The impugned order only states that in view of the pendency of the suit, the electricity service connection could not be granted.

4. Though the suit is pending, there is no interim order restraining the authorities from effecting service connection. Admittedly, the injunction application was also dismissed. Therefore, the order passed by the second respondent is incorrect and the same is not sustainable. In fact, the authorities remained ex-parte in the Civil Suit. The petitioner states that he has been suffering without electricity. In the above said circumstances, the impugned order is passed rejecting the claim of the petitioner only on the ground that the Civil

Suit is still pending. Though the Civil Suit is pending, the fourth respondent, who is the plaintiff therein, has not taken steps to proceed with the trial and complete the same. Till such time the suit is pending, the petitioner cannot be expected to go without electricity connection.

5. Therefore, the respondents 1 to 3 are directed to consider the request of the petitioner to effect electricity connection to his residence situated in No.2/259A, South Street, Maruvathur, Sendurai Taluk, Ariyalur District favourably. Before effecting service connection and erecting the pillars, the respondents 1 to 3 are directed to get concurrence from both the petitioner as well as the fourth respondent. The above said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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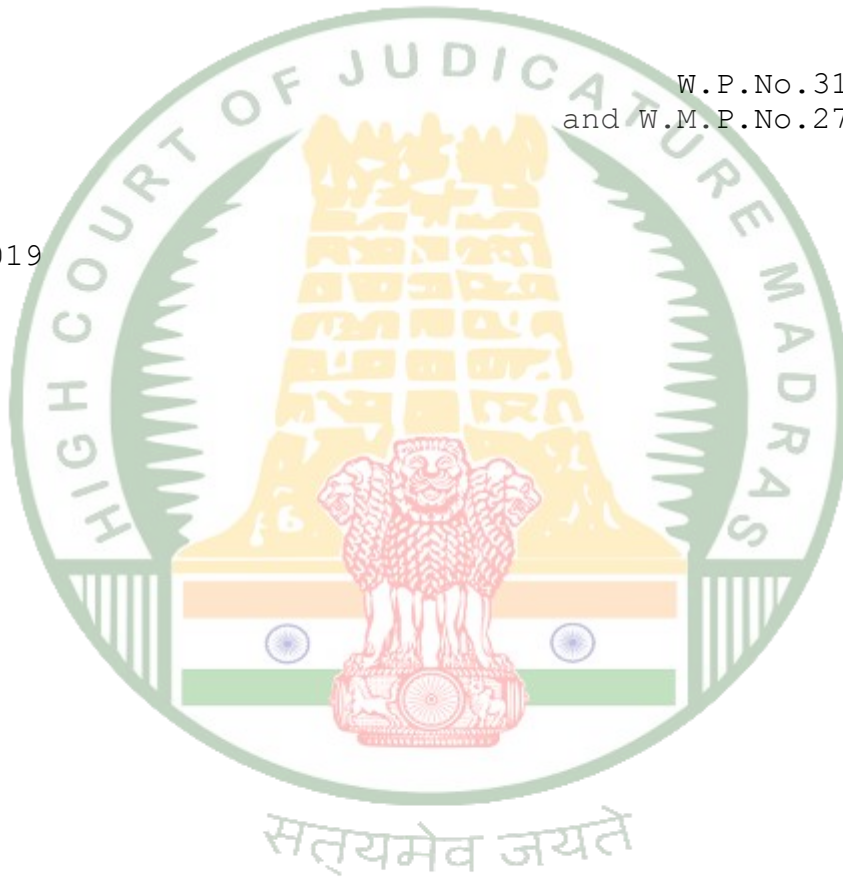
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3. The Chairman cum Managing Director,
Tamil Nadu Generation and
Distribution Corporation Limited (TANGEDCO)
NPKRR Maaligai, 144, Anna Salai,
Chennai 600 002.

+lcc to Mr.K.Krishnamurthy, Advocate Sr.18849
+lcc to Mr.P.Gururaj, Advocate sr.19282
+lcc to Mr.S.Senthil Nathan, Advocate Sr.19012

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