

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 25.10.2019
CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
W.P.No.30454 of 2019

K.Mahalingam

.. Petitioner

-vs-

1. The Chief Engineer
Tamil Nadu Electricity Board/TANGEDCO
No.144, Anna Salai, Chennai 600 002
2. The Chief Engineer (O&M)
TANGEDCO
No.10, Old Tower House Street
Villupuram 605 602
3. The Divisional Engineer (O&M)
TANGEDCO, Kallakurichi Town & Taluk
Villupuram District
4. The Assistant Divisional Engineer (O&M)
TANGEDCO
Sadaiyampattu Village
Kallakurichi Town & Taluk
Villupuram District
5. The Assistant Engineer (O&M)
TANGEDCO
Kallakurichi Town & Taluk
Villupuram District

6.Mrs.Sumathi

.. Respondents

Petition under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, forbearing the respondents 1 to 5 from providing an agricultural service connection to the property comprised in Survey No.90/8 to an extent of 04.5 Ares (11.11 cents) situated at Ponparapattu Village, Sankarapuram Taluk, Villupuram District in the 6th respondent's name pending disposal of civil suit for declaration of title in O.S.No.43 of 2014 on the file of the learned District Munsif, Sankarapuram filed by the 6th respondent against the petitioner.

For Petitioner :: Mr.G.Balamanikandan

For Respondents :: Mr.M.Varunkumar
Standing Counsel for R1 to 5

ORDER

Mr.K.Mahalingam has come to this Court seeking an injunction against the respondents 1 to 5 from providing the agricultural service connection to the property comprised in Survey No.90/8 having an extent of 04.5 Ares (11.11 cents) situated at Ponparapattu Village, Sankarapuram Taluk, Villupuram District in the name of the sixth respondent, pending disposal of the civil suit for declaration of title in O.S.No.43 of 2014 on the file of the learned District Munsif, Sankarapuram filed by the sixth respondent.

2. Learned counsel for the petitioner submits that the petitioner's father had purchased agricultural lands including a well comprised in Survey No.76/3 situate at Ponparapattu Village, Sankarapuram Taluk from one Perumal Naicker under a registered sale deed dated 20.9.73 bearing Document No.1502 of 1973 on the file of the Sub Registrar, Vadakkananth, Villupuram District. In addition thereto, the petitioner's father also purchased the land in Survey No.90/8 having an extent of 04.5 Ares (11.11 cents) from the said Perumal Naicker under an unregistered document dated 20.9.73. After the death of his father, the petitioner has been cultivating and enjoying the land along with his brother Sakthivel as the legal heirs of their father. After his brother's marriage, the petitioner and his brother orally partitioned the property and the petitioner was allotted 5.5 cents out of 11.11 cents in Survey No.90/8 and the revenue records are also mutated in his name. But with a mala fide intention to grab his share, the sixth respondent, who is his brother's wife, illegally obtained patta in Patta No.198 by misrepresenting that she is the owner of the entire land. The petitioner also made a representation and finding no response, he was constrained to file W.P.No.28169 of 2017 and during the pendency of the writ petition, the respondents also filed their counter affidavit, particularly the learned standing counsel for the respondents 4 & 5 therein opposed the prayer for providing electricity service connection as the condition for getting electricity connection has not been complied with. Therefore, this Court, by order dated 16.11.2018, directed the fourth respondent to pass orders on the said representation. In the meanwhile, a civil suit also has been filed in O.S.No.43 of 2014 by the sixth respondent seeking a decree for declaration of the title of the land in question. During the pendency of the civil suit, the sixth respondent has been proceeding with all pressure to get the electricity connection. Hence, the petitioner has been advised to come to this Court.

3. But this Court is unable to find any substance or merit in the writ petition, for the simple reason that when the sixth respondent has already filed a suit for declaration against the

petitioner, who has been arrayed as one of the defendants, it is for him to work out his remedy and keeping the said suit pending, he cannot come to this Court, as the parallel proceedings are not legally permissible. Therefore, the writ petition is dismissed. Consequently, W.M.P.No.30466 of 2019 is also dismissed. No costs.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

ss

To

1. The Chief Engineer
Tamil Nadu Electricity Board/TANGEDCO
No.144, Anna Salai, Chennai 600 002
2. The Chief Engineer (O&M)
TANGEDCO
No.10, Old Tower House Street
Villupuram 605 602
3. The Divisional Engineer (O&M)
TANGEDCO, Kallakurichi Town & Taluk
Villupuram District
4. The Assistant Divisional Engineer (O&M)
TANGEDCO
Sadaiyampattu Village
Kallakurichi Town & Taluk
Villupuram District
5. The Assistant Engineer (O&M)
TANGEDCO
Kallakurichi Town & Taluk
Villupuram District

+1cc to Mr.M.Varunkumr, Advocate, SR.No.89491.
+1cc to Mr.G.Balamanikandan, Advocate, SR.No.90239.

W.P.No.30454 of 2019

AD(CO)
CSR(26/11/2019)