



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.09.2019

CORAM:

**THE HONOURABLE MR.JUSTICE M.GOVINDARAJ**

W.P (MD) No.16070 of 2019

and

WMP (MD) No.12776 of 2019

M.Ramanathan

... Petitioner

Vs.

The Assistant Electricity Engineer,  
Tamil Nadu Generation of Electricity and  
Distribution Corporation Ltd  
(TANGEDCO)

Karaikudi City, South Karaikudi,  
Sivagangai District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorari calling for the records relating to the proceedings of the impugned order in Ka.No.U.Mi.Po/ Na/ The/ Kaarai/ Va.Aa.Ko.Kattu/ A.No.98/19 dated 12.07.2019 on the file of the Respondent and quash the same.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondent : Mrs.M.Rajeswari

for M/s.SMS.Johny Basha

**ORDER**

Challenging the impugned order of the respondent dated 12.07.2019, this writ petition is filed.

2.The petitioner filed a suit for permanent injunction against his rival claimant. The defendant in the said suit filed a petition under Order VII Rule 11 of CPC for rejection of plaint. The same was dismissed. Against which, the defendant filed a revision petition. This Court, by its order dated 06.12.2018 in CRP(PD) (MD) No.1531 of 2009 set aside the order passed by the trial Court and allowed the Civil Revision Petition and thereby, the plaint was rejected. In the meanwhile, the petitioner filed a writ petition seeking electricity service connection. This Court, has granted the relief subject to the condition that the petitioner executes indemnity bond for the same. Since the plaint was rejected, the



respondent/Electricity Board issued the impugned notice dated 12.07.2019 stating that the electricity connection will be disconnected within 15 days in view of dismissal of the suit.

3.I have considered the submissions of both sides.

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4.The electricity service connection was granted on production of indemnity bond as per Regulation 27(4) of the Tamil Nadu Electricity Distribution Code, 2004. If there is any violation to the conditions imposed or any illegality committed by the consumer, the Electricity Board is at liberty to disconnect the electricity supply. It cannot be on the basis of a civil dispute, that too, based on a suit for permanent injunction, being dismissed.

5.At this juncture, the learned counsel appearing for the petitioner produced a copy of order passed by the Hon'ble Supreme Court in SLP(Civil) Diary No.27402/2019 dated 26.08.2019, wherein, it is ordered to maintain *status quo* by the parties.

6.In the given circumstances, it is not open to the defendant in the suit to insist the respondent to disconnect electricity service connection. Further, the respondent is not bound to disconnect electricity connection on the insistence of a third party, unless the terms and conditions imposed by them are violated by the consumer.

7.In view of the discussions made above, the impugned notice issued by the respondent dated 12.07.2019 is set aside and this writ petition is allowed accordingly. No costs. Consequently, WMP(MD) No.12776 of 2019 is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar

TO  
The Assistant Electricity Engineer,  
Tamil Nadu Generation of Electricity and  
Distribution Corporation Ltd  
(TANGEDCO) Karaikudi City, South Karaikudi,  
Sivagangai District.  
+1 CC to M/s.G.PRABHU RAJADURAI, Advocate SR-86486[F] dated 13/09/2019

W.P. (MD) No.16070 of 2019  
12.09.2019

MJ

MS/26.09.2019/2P.3C

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