

In the High Court of Judicature at Madras

Dated : 05.6.2020

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.18669 of 2010

S.Umamaheswari

..Petitioner

Vs

1.The Superintending Engineer,
Cuddalore Electricity Distribution
Circle, Tamil Nadu Electricity
Board, Cuddalore.

2.The Junior Engineer (Operation
& Maintenance), Cuddalore
Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Nellikuppam, Panruti Taluk.

3.D.Kuppusami

(R3 impleaded as per order of court dated
30.8.2010 by KVJ in MP.No.1 of 2010)

...Respondents

Prayer: Writ PETITION under Article 226 of The Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondents to effect separate electricity service connection in the first floor of door No.12, Thiru-Vi-Ka Street (a) Kammalar Street, Sozhavalli, Nellikuppam Municipal Limit, Panruti Taluk, Cuddalore District.

For Petitioner

: Mr.D.Baskar

For Respondents 1 & 2 : Mr.Varunkumar
For Respondent-3 : Mr.Tamil Thendral Arasu
for Mr.P.Mani

ORDER

I have heard Mr.D.Baskar, learned counsel for the petitioner, Mr.Varunkumar, learned Standing Counsel appearing for respondents 1 and 2 and Mr.Tamil Thendral Arasu, learned counsel appearing for the third respondent.

2. The third respondent herein is the brother of the petitioner and the dispute is with regard to an immovable property. In this writ petition, the petitioner seeks a direction to respondents 1 and 2 to grant separate electricity service connection for the first floor at door No.12, Thiru-Vi-Ka Street (a) Kammalar Street, Sozhavalli, Nellikuppam Municipal Limit, Panruti Taluk, Cuddalore District.

3. Admittedly, there is an electricity connection given to the said door number. Now, the petitioner wants a separate service connection for the first floor. Further, the petitioner filed O.S.No.80 of 2009 on the file of the District Munsif Court, Panruti against her mother one Mrs.Baby and the third respondent herein seeking a decree for permanent injunction restraining the defendants, their men, agents and any person claiming under them from in any manner interfering with the petitioner's peaceful possession and enjoyment of the suit property. In the said suit, a written statement is filed by the third respondent herein/second defendant and the said suit is still pending. In turn, the said Mrs.Baby filed a suit in O.S.No.103 of 2009 on the file of the District Court, Cuddalore, in which, the petitioner is the first defendant and the Commissioner, Nellikuppam Municipality, Nellikuppam is the second defendant, seeking a decree for declaration of title of the said Mrs.Baby over the suit property and for mandatory and permanent injunction. In the suit filed by the said Mrs.Baby, the petitioner herein filed a written copy statement and it is also pending.

4. The dispute between the petitioner and the third respondent appears to have been not resolved till date. In such circumstances, the respondent Board cannot be dragged into the dispute between a brother and sister. Admittedly, by now, the suits would have been ripe for trial. Therefore, the appropriate remedy, which the petitioner should seek, is to file an

interlocutory application in the pending civil suits for interference and a separate litigation cannot be initiated by way of a writ petition. However, it will be well open to the petitioner to hold discussion with her brother and if any amicable settlement is worked out, an application can be made to respondents 1 and 2 with a no objection certificate given by the third respondent and if the same is done, respondents 1 and 2 can consider the application that may be filed by the petitioner.

5. With the above observations, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

RS

To

- 1.The Superintending Engineer, Cuddalore Electricity Distribution Circle, Tamil Nadu Electricity Board, Cuddalore.
- 2.The Junior Engineer (Operation & Maintenance), Cuddalore Electricity Distribution Circle, Tamil Nadu Electricity Board, Nellikuppam, Panruti Taluk.

सत्यमेव जयते

WP.No.18669 of 2010

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MR(CO)

GS(31/07/2020)