

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2020

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.29437 of 2012

and

M.P.No.1 of 2012

Palanisamy

... Petitioner

Vs.

- 1.Assistant Engineer,
Operation and Maintenance (O & M),
Tamil Nadu Electricity Board,
Pallakapalayam, Trichengode Taluk,
Namakkal District.
- 2.Executive Engineer,
Operation & Maintenance,
Tamil Nadu Electricity Board,
Sangagiri Town, Sangagiri Taluk,
Salem District.
- 3.The Superintending Engineer,
Mettur Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Mettur, Salem District.
- 4.Nallammal
- 5.Selvakumar
- 6.Muniappan
- 7.Tamil Selvi

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the entire records of the first respondent relating to his order in Lr.No.A.E/O&M/P.Pa/Kattu.Thani/A.No.23/11 dated 03.05.2011, quash the same and to direct the respondents 1 to 3, to grant electricity service connection to the petitioner's house situated in S.No.635/4, Andikadu-Valayakaranoor, Katheri Village, Sankari Taluk, Salem District, forthwith.

For Petitioner : M/s.P.Jagadeesan

For Respondents : M/s.N.Damodharan
Standing Counsel for R1 to R3
M/s.C.Kulanthaivel for R4 to R7

O R D E R

This writ petition has been filed challenging the order passed by the first respondent dated 03.05.2011 by which the respondent has refused to grant service connection to the petitioner on account of the objections raised by respondents 4 to 7 that the pole is not to be erected in their land and the electricity lines should not to be drawn through their property.

2.In this regard, respondents 4 to 7 have filed a suit in O.S.No.123 of 2011 on the file of District Munsif Court, Sankari. In the said suit, the petitioner is 5th defendant and defendants 1 to 4 are the officials of the Electricity Board. The suit has been decreed by the judgment and decree dated 30.01.2019, by which decree of permanent injunction has been passed. Therefore, unless and until the petitioner is able to get over the decree entitle, the petitioner cannot claim that the electricity lines should be drawn by erecting the pole in the said location. The learned counsel for the petitioner submitted that as against the judgment and decree in O.S.No.123 of 2011 an appeal has been preferred.

3.The learned counsel for respondents 4 to 7 submitted that the petitioner has obtained electricity service connection through their property only and if that is so, it is open to the petitioner to workout his remedy in the manner known to law. However, on the grounds raised, the impugned order cannot be quashed, more particularly there is a decree of permanent injunction operating against the petitioner and officials of the Board.

4. With the above reasons, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed. However, the petitioner is at liberty to pursue his appeal which is stated to have been filed against the O.S.No.123 of 2011.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

pns

To

1.Assistant Engineer,
Operation and Maintenance (O & M),
Tamil Nadu Electricity Board,
Pallakapalayam, Trichengode Taluk,
Namakkal District.

2.Executive Engineer,
Operation & Maintenance,
Tamil Nadu Electricity Board,
Sangagiri Town, Sangagiri Taluk,
Salem District.

3.The Superintending Engineer,
Mettur Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Mettur, Salem District.

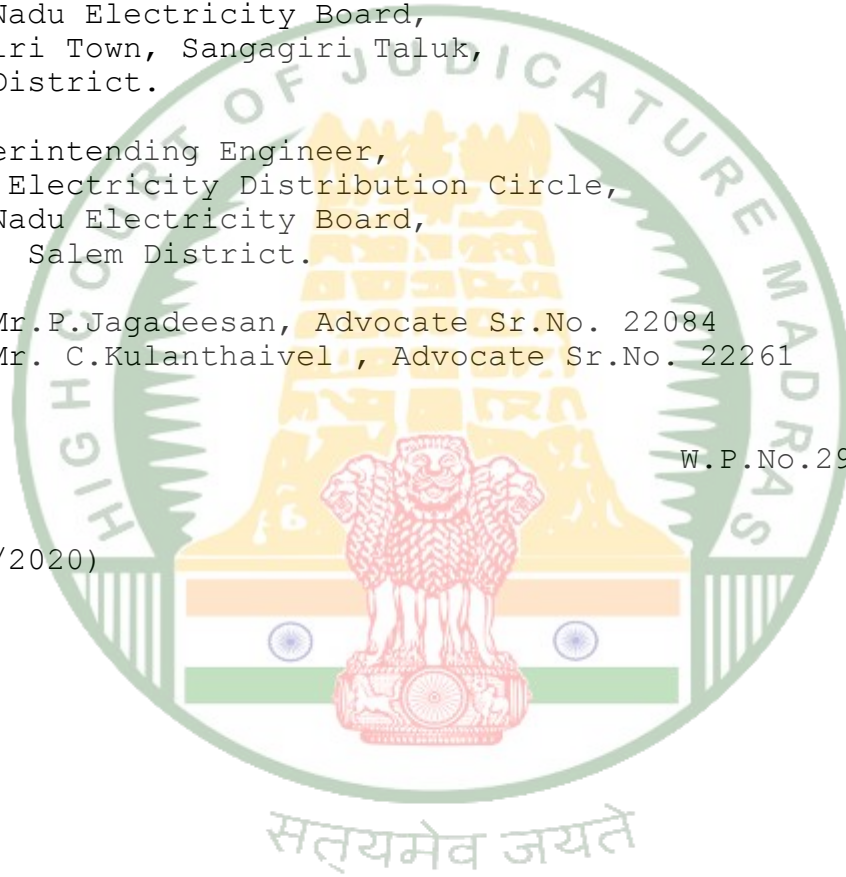
+1 cc to Mr.P.Jagadeesan, Advocate Sr.No. 22084

+1 cc to Mr. C.Kulanthaivel , Advocate Sr.No. 22261

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PVS (CO)

RMP (16/07/2020)



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