

In the High Court of Judicature at Madras

Dated : 11.3.2020

Coram

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.30263 of 2012

Duraisangu

...Petitioner

Vs

1.The Superintending Engineer,
Tamil Nadu Generation & Electricity
Distribution Company, Capper Hills,
Cuddalore, Cuddalore Taluk & District.

2.The Junior Engineer (O&M), Operation &
Maintenance, Tamil Nadu Generation &
Electricity Distribution Company,
Naduveerapattu Village, Cuddalore
Taluk & District.

3.P.Sambanda Padayachi

....Respondents

PETITION under Article 226 of The Constitution of India
praying for the issuance of a Writ of Mandamus directing
respondents 1 and 2 to effect electricity service connection for
the petitioner's residential house in S.Nos. 221/5D and 221/5E
in Sanjeevirayan Koil Village, Naduveerapattu Post, Cuddalore
Taluk, Cuddalore District.

For Petitioner : Mr.D.Baskar

For Respondents 1 & 2 : Mr.M.M.Varunkumar

For Respondent-3 : Mr.T.S.Baskaran

ORDER

I have heard Mr.D.Baskar, learned counsel for the
petitioner, Mr.M.M. Varunkumar, learned Standing Counsel for
respondents 1 and 2 and Mr.T.S.Baskaran, learned counsel for the
third respondent.

2. The petitioner seeks a direction to respondents 1 and 2 to give electricity service connection for his residential premises.

3. According to the petitioner, the property in question is absolutely owned by him.

4. However, respondents 1 and 2 took a stand that the third respondent herein filed a suit in O.S.No.142 of 1998 on the file of the District Munsif Court, Cuddalore and obtained a decree against eight private defendants and the Electricity Board - ninth defendant not to give any electricity service connection to the property in question.

5. The learned counsel for the petitioner would vehemently contend that the judgment rendered by the civil court is erroneous because the decree was passed on oral relinquishments and that the petitioner is in possession of the property in question.

6. Respondents 1 and 2 filed a counter inter alia contending that the Village Administrative Officer, Naduveerapattu Village, in his written statement, submitted that he had given ownership certificate for S.F.No. 423/9 alone and that the petitioner has sought a new service connection in Sanjeevarayan Koil Village, Cuddalore District. However, fraudulently, the petitioner utilized that certificate seeking electricity service connection in the suit property, which is a joint family property in S.F.No.221/5A to E, Sanjeevirayan Koil Village, Cuddalore District.

7. Considering the fact that there is a decree of injunction operating against respondents 1 and 2, no Mandamus can be issued at the instance of the petitioner to direct the Electricity Board to grant service connection to the property in question. Therefore, the relief cannot be granted.

8. Hence, the writ petition is dismissed. No costs.

9. However, this will not prejudice the rights of the petitioner to seek remedy before the appropriate forum so as to vindicate his grievances.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

RS

+1cc to Mr.D.Baskar, Advocate SR.21750
+1cc to Mr.T.S.Baskaran, Advocate SR.21887
+1cc to Mr.M.Varunkumar, Advocate SR.22207

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KS (CO)
CB (19/06/2020)



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