



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.NO.7794 OF 2018

B.Pounabai

... Petitioner

-Vs-

1. The Assistant Executive Engineer (O & M)
Tamil Nadu Electricity Generation and
Distribution Corporation, Maramalai Nagar,
110 KVSS Compound, GST Road,
Maramalai Nagar, Chengalpattu - 603 209.

2. The Assistant Engineer (O & M)
Tamil Nadu Electricity Generation and
Distribution Corporation, Karasangal,
1/199, 2nd Street, Anna Nagar,
Padapai, Sriperumbudur Taluk,
Kanchipuram District.

3. P.Balaraman

... Respondents

Prayer :

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st and 2nd respondents to consider the petitioner representation dated 04.10.2017.

For Petitioner : M/s.T.Sundaravadanam

For Respondents : Mr.S.K.Raameshwar
Standing Counsel for R1 & R2
Mr.P.Vasanth for R3

O R D E R

This writ petition has been filed for issuance of writ of mandamus directing the first respondent and second respondent to consider the representations made by the petitioner, who is seeking for the disconnection of the electricity connection, that has been given to the third respondent.



2. The case of the petitioner is that she is the absolute owner of the property and the third respondent has illegally obtained the electricity connection for the property. Therefore, the petitioner has made representations to the first and second respondents to disconnect the electricity connection. Since the same was not considered, the present writ petition has been filed before this Court seeking for appropriate directions.

3. Heard M/s.T.Sundaravadanam, learned counsel for the petitioner and Mr.S.K.Raameshwar, learned Standing Counsel for Respondents 1 & 2 and Mr.P.Vasanth, learned counsel for R3.

4. It is seen from the records that the third respondent has filed a suit in O.S.No.1335 of 2008 before the District Munsif Court, Sriperumbudur, and during the pendency of the suit, he has obtained new Electricity Connection. The petitioner has filed a suit in O.S.No.126 of 2000 before District Munsif Court, Poonamallee for specific performance and according to the petitioner, the said suit was decreed and the sale deed was executed in her favour.

5. Due to the pendency of the Civil Proceedings between the parties, the first and second respondents cannot take any decision on the representations made by the petitioner. The Civil Suit is pending between the petitioner and the third respondent and subject to the result of this suit, the first and second respondents can take action in accordance with law. It is made clear that the electricity connection that was granted in favour of the third respondent will have no barring while deciding the dispute between the petitioner and the third respondent and the same should be independently considered by concerned Civil Court.

6. This writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Pns



To

1. The Assistant Executive Engineer (O & M)
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Kanchipuram District.

+1cc to M/s.T.Sundaravadanam, Advocate, S.R.No.24204

W.P.No.7794 of 2018

RJI (CO)
CS/14/07/2020