

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

WP No.7019 of 2020
and WMP No.8374 of 2020

G.Sivakumar

....Petitioner

-Vs-

1.The Superintending Engineer,
TANGEDCO,
Perambalur District,
Perambalur.

2.The Executive Engineer,
TANGEDCO,
Krishnapuram,
Perambalur District.

3.The Assistant Engineer (O&M),
TANGEDCO, Kaikalathur Village,
Veppanthattai Taluk,
Perambalur District.

4.Karuppaiah

5.Ramalingam

... Respondents

Prayer: This writ petition has been filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus forbearing the respondents 1 to 3 from providing electricity service connection in favour of the respondents 4 and 5 in respect of the well comprised in Survey Nos.144/2A2, situated at Noothapoor Village, Veppanthattai Talu, Perambalur District.

For Petitioner : Mr.C.Prabakaran

For Respondent : Mr.P.H.Vinodh Pandian
for R1 to R3

ORDER

This writ petition has been filed for the issue of writ of Mandamus forbearing the respondents 1 to 3 from providing Electricity service connection in favour of the respondents 4

and 5.

2. The case of the petitioner is that he is the owner of the property and already a suit is pending in O.S.No.946 of 2019 on the file of the District Munsif Court, Veppanthattai, filed by the petitioner and two others. The further case of the petitioner is that during the pendency of the suit, the respondents 4 and 5 without any right or title have approached the Electricity Department and they have sought for electricity connection. The petitioner has opposed the same and legal notice has also been issued in this regard. In spite of the same, the official respondents are entertaining the request made by the respondents 4 and 5 and therefore, the petitioner has approached this Court seeking for appropriate directions.

4. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents.

5. It is seen from records that the petitioner along with two others has already filed a suit before the concerned Civil Court in O.S.No.946 of 2019, seeking for declaration of the title, permanent injunction and other consequential reliefs. It is seen that the petitioner has also sought for the relief of permanent injunction to restrain the electricity department from giving electricity connection to respondents 4 and 5. When this suit is pending, the petitioner should seek for the appropriate relief only before the Civil Court and the petitioner cannot be permitted to parallelly move this Court and seek for directions against electricity board. Admittedly, the official respondents are also parties in the suit and therefore, the petitioner has to necessarily file an appropriate application only before the Civil Court and work out his rights.

6. This Court is not inclined to entertain this present writ petition and accordingly, the same is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rka

To

1.The Superintending Engineer,
TANGEDCO,
Perambalur District,
Perambalur.

2.The Executive Engineer,
TANGEDCO,
Krishnapuram,
Perambalur District.

3.The Assistant Engineer (O&M),
TANGEDCO, Kaikalathur Village,
Veppanthattai Taluk,
Perambalur District.

+lcc to Mr.C.Prabakaran, Advocate, Sr.No.24382

WP No.7019 of 2020

VGII (CO)
GS (09/06/2020)



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