

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2020

CORAM :

THE HON'BLE MR. JUSTICE M.DURAI SWAMY

W.P.No.5683 of 2015

C.Periyasamy

...Petitioner

Vs.

1. The Superintendent of Engineer
Tamil Nadu Electricity Board,
Perambalur,
Perambalur District.

2. The Assistant Engineer,
Tamil Nadu Electricity Board,
Veppanthattai Taluk,
Perambalur District.

3. C.Muthu

...Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuing a Writ of Mandamus directing the 1st and 2nd respondents to cancel the 3rd respondent Electricity Service Connection No.335 namely C.Muthu with regard to petitioner's representation dated 16.02.2015.

For Petitioner : Mr.E.Sathiyaraj

For R1 and R2 : Mr.P.Gunaraj
Standing Counsel (TNEB)

For R3 : No appearance

O R D E R

The petitioner has filed the above writ petition to issue a writ of mandamus directing the respondents 1 and 2 to cancel the 3rd respondent Electricity Service Connection No.335, considering the petitioner's representation dated 16.02.2015.

2.When the matter was taken up for hearing, Mr.P.Gunaraj, learned Standing Counsel appearing for the respondents 1 and 2, submitted that the respondents have given the service connection to the 3rd respondent as early as on 24.07.2006 under Tariff-V and that the petitioner has also filed a civil suit against the

3rd respondent as early as in the year 2014 in O.S.No.602 of 2014, seeking for permanent injunction.

3.Since the service connection was provided to the 3rd respondent as early as in the year 2006, unless the petitioner establishes his right over the property, the service connection cannot be disturbed by the respondents 1 and 2. In such view of the matter, the prayer sought for in the writ petition cannot be granted. Though the service connection was given to the 3rd respondent as early as in the year 2006, the petitioner has chosen to file this writ petition only in the year 2015.

4.For the reasons stated above, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Superintendent of Engineer,
Tamil Nadu Electricity Board,
Perambalur,
Perambalur District.
2. The Assistant Engineer,
Tamil Nadu Electricity Board,
Veppanthattai Taluk,
Perambalur District.

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KK(CO)
RV(28/10/2020)

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