

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.08.2020

CORAM

THE HONOURABLE THIRU JUSTICE N.ANAND VENKATESH

W.P.Nos. 9368 & 10321 of 2020 and
W.M.P.No.11454 of 2020

Raichand Daga,
S/o.Mohan Lal Daga,
11, 9th Cross Street,
Indira Nagar, Adyar,
Chennai 600 020.

..Petitioner in W.P.No.9368 of 2020

D.Kumar, M/A 40 years,
S/o.Dhanapal,
No.4/5, St.Thomas Street,
Ekattur, Rajiv Gandhi Salai,
Chennai 600 130.

..Petitioner in W.P.No.10321 of 2020

versus

1.The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution Corporation Ltd.,
NPKRR Maaligai,
144, Annasalai,
Chennai 600 002.

2.The Director, (Distribution),
Tamil Nadu Generation and Distribution Corporation Ltd.,
NPKRR Maaligai,
144, Annasalai, Chennai 600 002.

3.The Vigilance Officer, सतयमेव जयते
Tamil Nadu Electricity Board,
NPKRR Maaligai,
144, Annasalai, Chennai 600 002.

4.The Executive Engineer/O&M/Adyar,
C.E.D.C/South,
110KV Tidel Park SS Complex,
Tharamani Road, Chennai 600 113.

5.The Assistant Engineer,
Tamil Nadu Electricity Board,
Thazhambur,
Chennai 600 130.

6.D.Kumar,
S/o.V.Dhanapal,
Aged about 42 years,
Dr.Ambedkar Street,
Ekattur Village, Muttukkadu Panchayath,
Kelambakkam Post, Thiruporur Taluk,
Chennai 603 103.

7.D.Radhakrishnan,
S/o.V.Dhanapal,
Aged about 38 years,
Dr.Ambedkar Street,
Ekattur Village, Muttukkadu Panchayath,
Kelambakkam Post, Thiruporur Taluk,
Chennai 603 103.

8.D.Radha,
S/o.V.Dhanapal,
Aged about 35 years,
Dr.Ambedkar Street,
Ekattur Village, Muttukkadu Panchayath,
Kelambakkam Post, Thiruporur Taluk,
Chennai 603 103.

9.V.Dhanapal,
S/o.Vellai,
Aged about 77 years,
No.4/73, Dr.Ambedkar Street,
Ekattur Village, Muttukkadu Panchayath,
Kelambakkam Post, Thiruporur Taluk,
Chennai 603 103.

.. Respondents in W.P.No.9368 of 2020

1.State rep by
The Assistant Executive Engineer (O&M),
O/o.TANGEDCO, Samundeswari Nagar,
Navalur, Thazambur,
Kelambakkam, Chennai 600 130.

2.Raichand Daga,
S/o.Mohanlal Daga,
No.11, 9th Cross Street,
Indira Nagar, Adyar,
Chennai 600 020.

.. Respondents in W.P.No.10321 of 2020

Prayer in W.P.No.9368 of 2020: This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents 1 to 5 not to give any electricity connection to the respondents 6 to 9 or any third parties other than the petitioner for the property situated at No.36, Muttukadu Panchayat, No.34, Ekkattur Madhura Kilupakam Village, in S.No.106/2A, Thiruporur Taluk, Chengalpattu District, Chennai 600 119.

Prayer in W.P.No.10321 of 2020: This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 16.07.2020 and to restore the electricity service connection No.296-020-876.

In W.P.No.9368 of 2020

For Petitioner : Mr.T.Karunakaran

For Respondents : Mr.P.Gunaraj, SC for R1 to R5

In W.P.No.10321 of 2020

For Petitioner : Mr.C.Venkatesan

For Respondents : Mr.P.Gunaraj, SC for R1

COMMON ORDER

The issue involved in both the writ petitions are common and therefore, both the writ petitions are taken up together, and this common order is passed.

2. The writ petition in W.P.No.9368 of 2020, has been filed for a direction to the Electricity Department, not to give any electricity connection to respondents 6 to 9.

3. The writ petition in W.P.No.10321 of 2020, has been filed for a direction to the Electricity Department to consider the representation made by the petitioner and to restore the electricity service connection.

4. Heard the learned counsel appearing for the petitioners and Mr.P.Gunaraj, learned standing counsel appearing for the Electricity Department.

5. A careful perusal of the documents filed by either side clearly reflects the fact that there is a civil dispute between the parties. Each party is claiming ownership over the property. This is not the forum to take a decision with regard to the said

issue. The specific stand taken by the Electricity Department is that due to the dispute between the private parties, the department has also decided not to provide any electricity connection till the dispute is resolved before the competent Civil Court. It is further seen that O.S.No.36 of 2020 is pending before the Additional Sub Court, Chengalpattu. Under such circumstances, any finding rendered by this Court in these writ petitions will have a bearing while deciding the civil suit.

6. The parties having resorted to filing a suit before the competent civil court and they can also seek for appropriate relief regarding the electricity connection also, if they are able to establish their rights before the Civil Court. The Civil Court is in a better position, to adjudicate the rights of the parties based on the oral and documentary evidence.

7. In view of the above, this Court is not willing to go into the controversy that has been raised in these writ petitions and all the issues are left open to be agitated before the competent Civil Court.

8. With the above observations, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

gsk
To

- 1.The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution Corporation Ltd.,
NPKRR Maaligai,
144, Annasalai, Chennai 600 002.
- 2.The Director, (Distribution),
Tamil Nadu Generation and Distribution Corporation Ltd.,
NPKRR Maaligai,
144, Annasalai, Chennai 600 002.
- 3.The Vigilance Officer,
Tamil Nadu Electricity Board,
NPKRR Maaligai,
144, Annasalai, Chennai 600 002.

4.The Executive Engineer/O&M/Adyar,
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5.The Assistant Engineer,
Tamil Nadu Electricity Board,
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Chennai 600 130.

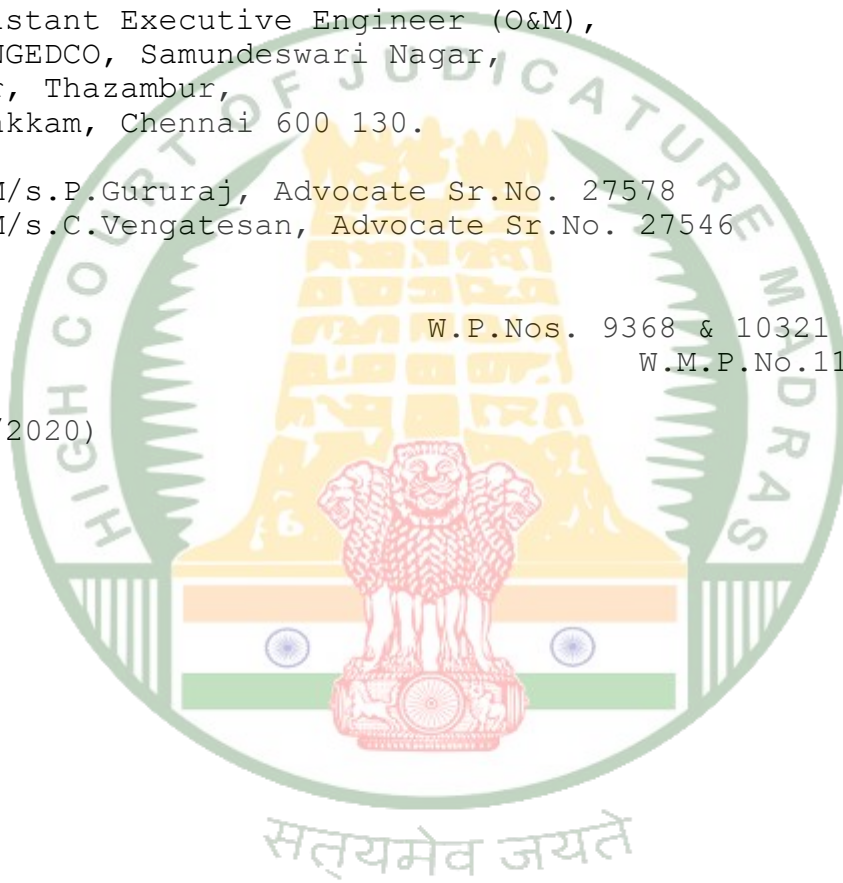
6.The Assistant Executive Engineer (O&M) ,
O/o.TANGEDCO, Samundeswari Nagar,
Navalur, Thazambur,
Kelambakkam, Chennai 600 130.

+1 cc to M/s.P.Gururaj, Advocate Sr.No. 27578

+1 cc to M/s.C.Vengatesan, Advocate Sr.No. 27546

W.P.Nos. 9368 & 10321 of 2020 and
W.M.P.No.11454 of 2020

PP (CO)
RMP (15/09/2020)



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