

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.9806 of 2020 and

W.M.P.No.11920 of 2020

S.Sabitha

... Petitioner

Vs.

1.The Chairman/Managing Director,  
TANGEDCO,  
10<sup>th</sup> Floor NPKRR Maaligai,  
No.144, Anna Salai, Chennai 02.

2.The Superintending Engineer,  
Erode Electricity Distribution Circle,  
TNEB/TANGEDCO  
132-D, Cutchery Street,  
Gobichettipalayam 638 452.

3.The Executive Engineer,  
TNEB/TANGEDCO,  
Athani road,  
Sathyamangalam 638 401.

4.Bannariamman Educational Trust,  
Rep by its Managing Trustee,  
No.1212, Trichy road,  
Coimbatore 18.

...Respondents

PRAYER : Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus directing the respondents 1 to 3 to consider my representation dated 09.07.2020 and forbear them from providing electricity connection to the fourth respondent's STP plant in R.S.No.66/1 to 6, 65/6 & 65/9 Alathukombai village, Sathyamangalam Taluk, Erode District till disposal of the suit O.S.No.31 of 2018 on the file of III Additional District Judge, Erode at Gobichettipalayam.

For Petitioner : Mr.S.Ranjith Kumar

For Respondents : Mr.N.Dhamodaran,  
Standing counsel for R1 to R3

O R D E R

This writ petition has been filed for a direction to the respondents 1 to 3 not to give electricity connection to

the fourth respondent, pending disposal of the suit in O.S.No.31 of 2018, pending on the file of the III Additional District Judge, Erode.

2. The case of the petitioner is that the petitioner was in possession and enjoyment of the property and the fourth respondent is said to have illegally trespassed into the property and the petitioner was illegally evicted without following the due process of law. The petitioner has also filed a suit under Section 6 of the Specific Relief Act, 1963, against the fourth respondent for recovery of possession and the same is pending before the III Additional District Judge, Erode and it has been renumbered as O.S.No.31 of 2018. During the pendency of the suit, the fourth respondent was taking steps to put up a plant and get electricity supply from the respondents 1 to 3. The petitioner made a representation to the respondents 1 to 3 on 09.07.2020 requesting them to provide electricity connection. Since the representation was not considered, the present writ petition has been filed before this Court seeking for appropriate direction.

3. Heard Mr.S.Ranjith Kumar, learned counsel appearing on behalf of the petitioner and Mr.Damodaran, learned Standing Counsel appearing on behalf of the respondents 1 to 3.

4. In the considered view of this Court, the petitioner cannot approach this Court by way of filling the writ petition and seek for an interim order, pending disposal of the suit in O.S.No.31 of 2018. If at all the petitioner wants to seek for any interim order, appropriate application has to be filed only before the concerned court. A writ petition can never be filed only for the purpose of getting an interim order. The law on this issue is well settled by the Hon'ble Supreme Court in the case of Kalabharati Advertising Vs. Hemant Vimalnath Narichania and others reported in 2010 (9) SCC 437 and which was followed by this Court in 2011 3 MLJ 523.

6. In view of above, this Court is not inclined to entertain this writ petition and it is left open to the petitioner to move an application before the appropriate court where the suit is pending and seek for remedy. This writ petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar (CS-IV)

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Sub Assistant Registrar

vr

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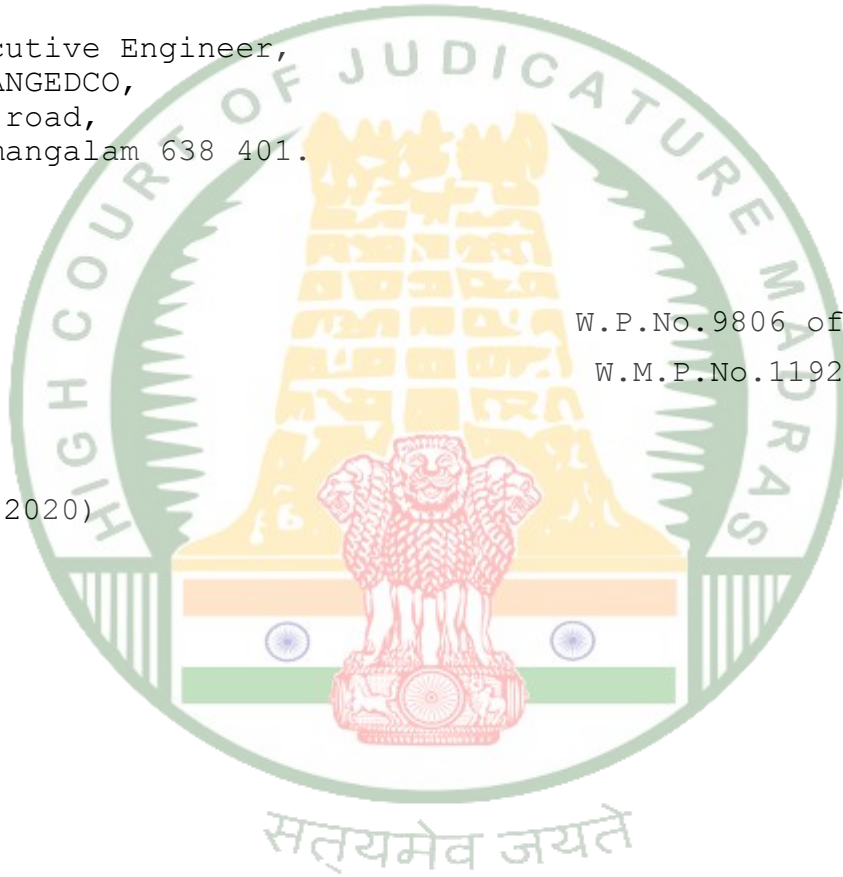
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SKS (CO)  
GMY (08/09/2020)



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