

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2020

CORAM :

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.11798 of 2020
and
W.M.P.No.14512 of 2020

M/s.Euro Casting Engg,
Represented by its Managing Partner,
K.Vidyaprakash,
No.7, Co-operative Colony,
Uppilipalayam,
Coimbatore - 641 015.Petitioner

Vs.

1.The Executive Engineer,
TANGEDCO,
Substation Campus,
Mettupalayam,
Coimbatore District.

2.Assistant Divisional Engineer,
Kariyampalayam,
TANGEDCO,
Annur,
Coimbatore District.

3.Assistant Engineer,
Kariyampalayam,
TANGEDCO,
Annur,
Coimbatore District.

4.K.Palanisamy

5.K.Linguswami

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents 1 to 3 from erecting electric poles or laying of any overhead electric wire in the common pathway in S.F.Nos.576/1A1/, 576/1A2, 576/1A3 and 576/1B, measuring an extent of 38 ½ cents, situated at Karegoundanpalayam Village, Annur Taluk, Coimbatore District.

For Petitioner : Mr.A.Sundaravadhanan

For R1 to R3 : Mr.Vijaymehanath
Standing Counsel

O R D E R

This writ petition has been filed to forbear the respondents 1 to 3 from erecting electric pole in the subject property.

2.Heard Mr.A.Sundaravadhanan, learned counsel for the petitioner and Mr.Vijaymehanath, learned Standing Counsel appearing on behalf of the respondents 1 to 3.

3.It is seen from records that the petitioner has already filed a suit in O.S.No.13 of 2020 and the same is pending on the file of the District Munsif Court, Coimbatore. An interim application has also been filed seeking injunction in I.A.No.5 of 2020. The said application is also pending. According to the petitioner, there was some discussion going on between the parties to lay the electric pole in some alternative place suggested by the petitioner. However, the respondents are attempting to lay the pole in a hasty manner taking advantage of the pandemic situation.

4.When an effective and alternative remedy has already been chosen by the petitioner, a writ petition cannot be filed parallelly for the sake of getting an interim order. The very same issue is pending on the file of the District Munsif Court, Coimbatore, and all the respondents herein are the defendants in the suit. Therefore, the petitioner will have to necessarily work out their remedy only before the civil Court.

5.In view of the above discussion, this Court is not willing to exercise its jurisdiction under Article 226 of the Constitution of India. Liberty is given to the petitioner to work out its remedy before the civil Court. The District Munsif, Coimbatore, is directed to hear the interim application

in I.A.No.5 of 2020 in O.S.No.13 of 2020 after giving opportunity to all the parties and pass orders within a period of four weeks from the date of receipt of a copy of this order.

This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mkn

To

- 1.The District Munsif,
Coimbatore.
- 2.The Executive Engineer,
TANGEDCO,
Substation Campus,
Mettupalayam,
Coimbatore District.
- 3.The Assistant Divisional Engineer,
Kariyampalayam,
TANGEDCO,
Annur,
Coimbatore District.
- 4.The Assistant Engineer,
Kariyampalayam,
TANGEDCO,
Annur,
Coimbatore District.

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W.P.No.11798 of 2020

SPD (CO)
RN (05/11/2020)