

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.10.2020

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

WP.No.14888 of 2020 &
WMP.No.18482 of 2020

Mohammed Elias

..Petitioner

Vs.

1. The Chairman,
Tamil Nadu Electricity Board,
Mount Road,
Chennai 600 002.
2. The Executive Engineere,
Tamil Nadu Electricity Board,
Seven Wells,
Chennai 600 001.
3. Assistant Engineer (O&M),
Tamil Nadu Electricity Board,
Sowcarpet East, Seven Wells,
Chennai 600 001.

..Respondents

Prayer: Writ Petition filed under Section 226 of Constitution of India praying for issuance of Writ of Mandamus to call for the records of the 3rd respondent in Ka.No.2 U.P. O/Sow / KI /E.P./Co - Thani /P.No.27/2020 dated 4.2.2020 and quash the same and directing the 3rd respondent to give E.B. Service Connection to the petitioner premises of the property bearing Door No.1, III Floor, Mahafuzkhan Garden Street, George Town, Chennai.

For Petitioner : Mr.C.Ravindran

For Respondents: Mr. P.R. Dilipkumar

O R D E R

This Writ Petition has been filed challenging the impugned letter issued by the 3rd respondent dated 4.2.2020 and for a consequential direction to the 3rd respondent to give electricity service connection to the subject property in the name of the petitioner.

2. The case of the petitioner is that the subject property originally belonged to his grand mother. The service connection also stood in her name. The further case of the petitioner is that he is entitled for a share in the subject property. Since the other share holders were attempting to alienate the property, a suit came to be filed by the petitioner in O.S.No.104 of 2011 on the file of the III Addl. City Civil Court, Chennai seeking for the relief of partition and permanent injunction. The further case of the petitioner is that an interim application was filed in I.A.No.151 of 2011 and an order of status quo was passed on 25.11.2010.

3. According to the petitioner, the suit is pending till date. The petitioner made a representation to the 3rd respondent seeking for service connection for the subject property in the name of the petitioner. The 3rd respondent through the impugned letter dated 4.2.2020 rejected the request made by the petitioner on the ground that the suit is pending and there are absolutely no documents to establish the title over the subject property. Aggrieved by the same, the present writ petition has been filed before this Court.

4. Heard Mr.C.Ravichandran, learned counsel appearing for the petitioner and Mr. P.R. Dilip Kumar, learned Standing Counsel appearing for the respondents.

5. In the considered view of this Court, there is absolutely no ground to interfere with the impugned letter issued by the 3rd respondent. The suit is pending before the City Civil Court and an order of status quo that was granted in the year 2010 cannot automatically entitle the petitioner to get a service connection in his name. The petitioner has to necessarily await for the final decision in the suit since the right of the petitioner over the property is yet to be established. Except the right that is claimed by the petitioner over the subject property, there are absolutely no documents to show that the petitioner has any right over the property. Therefore, the only document which will ultimately decide the right over the property will be the judgment and decree that will be passed in O.S.No.104 of 2011 .

6. In the result, this court is not inclined to entertain the Writ Petition. Accordingly, the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Chairman,
Tamil Nadu Electricity Board,
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2. The Executive Engineer,
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SSV(CO)
RV(24/11/2020)



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