

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2020

CORAM :

THE HON'BLE MR.A.P.SAHI, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A.No.3160 of 2019

S.Muthulakshmi

...Appellant

vs.

1.The Assistant Engineer,
Tamilnadu Generation and Distribution
Corporation Limited (TANGEDCO)
Coimbatore North Circle,
Kariyampalayam - 641 653,
Coimbatore District.

2.M.Muthusamy

...Respondents

Appeal filed under Clause 15 of the Letters Patent against the order dated 04.04.2019 passed by the learned Single Judge in W.P.No.31040 of 2018.

Prayer in WP No 31040 of 2018:

Writ petition filed under Article 226 of the constitution of India praying to issue a writ of certiorarified Mandamus calling for the records relates to the impunged letter dated 20-10-2018 vide letter No.2.mi.po/E&pe/kari/Co/No.224/18 issued by the 1st respondent and quash the same as illegal and unconstitutional and consequently direct the 1st respondent to grant power supply connection to the petitioner residential house comprised in S.No 402/4 situated at aA.Kumarapalayam, Annur Town & Raluk, Coimbatore District by processing the petitioner's application dated 06/07/2018.

For Appellant : Mr.Sudhan
for M/s.A.V.Raja

For Respondents : Mr.S.K.Rameshwar
for respondent No.1

JUDGMENT

(Delivered by The Hon'ble Chief Justice)

Heard learned counsel for the appellant.

2. The appellant has questioned the correctness of the judgment dated 04.04.2019 on the ground that the learned Single Judge on the impression that there were different addresses, has refused to issue directions for grant of electricity service connection and has not quashed the letter of respondent No.1 that had been sent refusing to grant connection.

3. It is admitted that two civil suits are pending in respect of the said property that has given rise to this controversy. The learned Single Judge has referred to the same and has observed that if the appellant/petitioner is able to succeed in the suit, it is open to her to approach the electricity authorities for a connection.

4. We do not disagree with the conclusion drawn by the learned Single Judge, but we clarify that the appellant may not wait for the final outcome of the civil suits and may for an interim relief apply before the Civil Court itself. In case such an interim application for grant of electricity connection is moved, then the Civil Court, after putting the contesting parties to notice, shall endeavour to pass appropriate orders expeditiously in the event it is found that the appellant's request is genuine and is required to be considered during the interregnum period.

The appeal is disposed of with the said observations. No costs. Consequently, C.M.P.No.19963 of 2019 is closed.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

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To

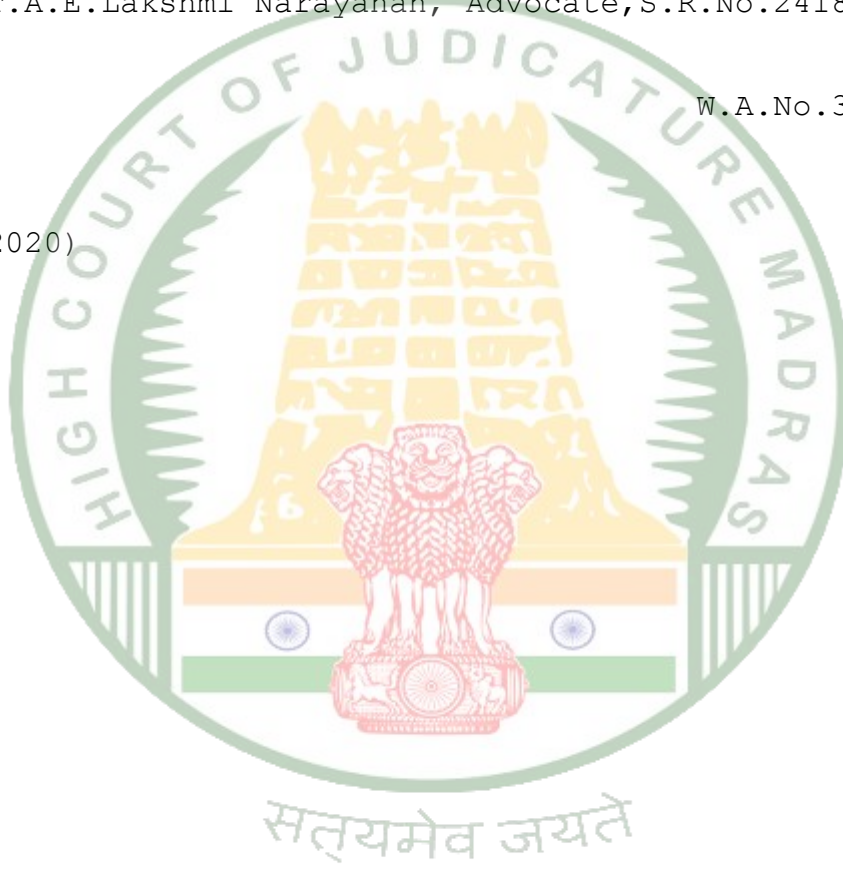
The Assistant Engineer,
Tamilnadu Generation and Distribution
Corporation Limited (TANGEDCO)
Coimbatore North Circle,
Kariyampalayam - 641 653,
Coimbatore District.

+1cc to Mr.A.V.Raja, Advocate, S.R.No.24176/20

+1cc to Mr.A.E.Lakshmi Narayanan, Advocate, S.R.No.24189/20

W.A.No.3160 of 2019

PM(CO)
RN(26/05/2020)



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