

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.2.2020

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WRIT PETITION NO.9636 OF 2017

Mrs.A.Alamelu

...Petitioner

Vs

- 1.The Assistant Engineer,
Tamil Nadu Electricity Board,
Kurisilapattu-635702.
Vaniyambadi Taluk,
Vellore District.
- 2.The Inspector of Police,
Village Police Station,
Tirupattur Taluk, Vellore District.
- 3.Palani
- 4.Thukkan
- 5.Maari
- 6.Naasai
- 7.Soemi
- 8.Malarkodi
- 9.Palani

(R3 to R9 impleaded as per order of court dated
22.6.2017 by MMSJ in WMP.No.15952 of 2017
in W.P. No. 9636/2017)

...Respondents

PETITION under Article 226 of The Constitution of India
praying for the issuance of a Writ of Mandamus directing the
first respondent to provide electricity service connection in
the name of the petitioner to the house situated at Melur
Village survey No.31, Javvathumalai Pudurnadu, Tirupattur Taluk,
Vellore District with the aid of the second respondent while
providing electricity service connection by the first respondent.

For Petitioner : Mr.G.K.Sekar
For Respondent-1 : Mr.M.Varunkumar
For Respondents 3 to 9 : Mr.Prakash Adiapadam

ORDER

I have heard Mr.G.K.Sekar, learned counsel for the petitioner, Mr.M. Varunkumar, learned Standing Counsel for the first respondent and Mr.Prakash Adiapadam, learned counsel for respondents 3 to 9.

2. The petitioner seeks a direction to the first respondent to provide electricity service connection in her name to the house situated at Melur Village survey No.31, Javvathumalai Pudurnadu, Tirupattur Taluk, Vellore District with the aid of the second respondent.

3. Admittedly, there are civil disputes pending between the petitioner and respondents 3 to 9. The petitioner secured a decree of declaration and injunction in O.S.No.375 of 2011 on the file of the Principal District Munsif Court, Tirupattur, Vellore District. This has been challenged by respondents 3 to 9 by filing A.S.No.73 of 2015 and I.A.No.83 of 2015 and the matter is pending before the Subordinate Court, Tirupattur, Vellore District. In the said interlocutory application, there has been an order of stay of the execution of the said decree, however, for a limited period.

4. It is stated that the said interlocutory application and the appeal suit are pending and that the said interlocutory application is listed today (i.e 13.2.2020) for arguments. That apart, respondents 3 to 9 filed a separate suit in O.S.No.139 of 2011, which was dismissed for default. This, according to respondents 3 to 9, is on account of collusion between the counsel and effective steps have been taken to restore O.S.No.139 of 2011. Further, it has been stated that the petitioner's husband and his brother in law filed O.S. Nos.97 and 139 of 2016 and they are pending before the District Munsif Court, Tirupattur, Vellore District.

5. In none of the civil suits, the Electricity Board is a party. Therefore, any decree that may be obtained by the petitioner will not bind the Electricity Board. Furthermore, in the said interlocutory application pending appeal suit, there has been an interim order granted though it is for a specified period. But, the said interlocutory application is still pending. In this factual scenario, no direction as sought for can be granted by directing the first respondent to grant

electricity service connection. It is well open to the petitioner to seek such a relief in the pending appeal suit if she is so advised and such a prayer can be maintained only if the Electricity Board is made as a party to the civil suits.

6.With the above observations, the writ petition is dismissed. No costs.

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

To

1.The Assistant Engineer, Tamil Nadu Electricity Board,
Kurisilapattu-635702.
Vaniyambadi Taluk, Vellore District.

2.The Inspector of Police, Village Police Station, Tiurupattur
Taluk, Vellore District.

+1 CC to Mr.M.Varunkumar, Advocate sr 12250.

+1 CC to Mr. Prakash Adiapadam, Advocate sr 11723.

+1 CC to Mr.G.K.Sekar, Advocate sr 11689.

WP.No.9636 of 2017

SP(27/02/2020)

सत्यमेव जयते

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