

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2021

CORAM:

**THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN**

**CRP(PD).No.2981 of 2015**

**and**

**MP.No.1 of 2015**

1. S.Sukumaran (died)
2. Chitra
3. Poornasathya
4. Chelligovind

[Petitioners 2 to 4 brought on record of LRs of the deceased 1<sup>st</sup> petitioner viz., S.Sukumaran vide Court order dated 03.02.2021 made in CMP.No.14667, 14669 and 14672 2020 in CRP (PD) No.2981 of 2015].

... Petitioners

Vs.

1. E.Sundaragandhi
2. The Junior Engineer,  
O & M, TNEB, Cheyyur,  
Kanchipuram District.
3. The Assistant Engineer,  
O & M, TNEB, Cheyyur,  
Kanchipuram District.
4. The Executive Engineer,  
O & M, TNEB, Cheyyur,  
Kanchipuram District.

5. The Superintendent Engineer,  
TNEB, Chengalpattu, Kanchipuram District.

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to allow the C.R.P., setting aside the fair and decretal order of the learned Subordinate Judge, Madurantakam dated 09.10.2014 in I.A.No.147 of 2012 in O.S.No.16 of 2012 and to order the said I.A. as prayed for.

For Petitioners : Mr.T.M.Hariharan

For Respondents : M/s.AL.Gandhimathi (for R1)  
: Mr.V.Viswanathan ( for R2 to R5)

### ORDER

This Civil Revision Petition is directed as against the fair and decretal order passed in I.A.No.147 of 2012 in O.S.No.16 of 2012 dated 09.10.2014 on the file of the learned Subordinate Judge, Madurantakam, thereby, dismissing the petition filed for rejection of plaint.

2. The petitioners 2 to 4 herein are the legal heirs of the deceased/1<sup>st</sup> petitioner. The 1<sup>st</sup> petitioner (since deceased) is the first defendant in the suit filed by the first respondent herein. The first respondent filed a suit for declaration to declare the title of the suit properties in favour of the first

respondent and restraining the respondents 2 to 5 herein from in any way disconnecting the Service Connection No.268 situated in the suit properties. The 1<sup>st</sup> petitioner filed a petition for rejection of plaint, on the ground that the Civil Court has no jurisdiction to try the suit as against the Electricity Board, as it is clearly barred under Section 145 of the Electricity Act.

3. On a perusal of the plaint, the first respondent/plaintiff avered that the suit properties are to be declared in their favour and also to restrain the Electricity Board not to disconnect the electricity service connection situated in the suit properties. It is further avered that the Electricity Board had sent notice dated 21.07.2012 and informed that they are going to disconnect the electricity service connection for non-payment of the electricity charges. In the present suit, the said notice is not under challenge and only prayed for not to disconnect the electricity service connection, that too as against the Electricity Board. As against the petitioners are concerned, the first respondent filed a suit as against him for declaration as stated above. Further, the 1<sup>st</sup> petitioner has nothing to do with the second prayer sought for by the first respondent herein, that too, as against the respondents 2 to 5 herein. Further, the second prayer is not as against the 1<sup>st</sup>

petitioner herein and as such, he has nothing to do with the said prayer. The only ground raised by the 1<sup>st</sup> petitioner is that the Civil Court is clearly barred under Section 145 of the Electricity Act and no Civil Court shall grant injunction and in respect of any action taken or to be taken in pursuance of any power conferred under the said Act. Admittedly, the 1<sup>st</sup> petitioner did not challenge any action taken by the Electricity Board. Therefore, the Court below rightly dismissed the petition and this Court finds no infirmity or irregularity in the order passed by the Court below.

4. Accordingly, this Civil Revision Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

19.02.2021

Speaking/Non-speaking order

Index : Yes/No

kv

WEB COPY

To

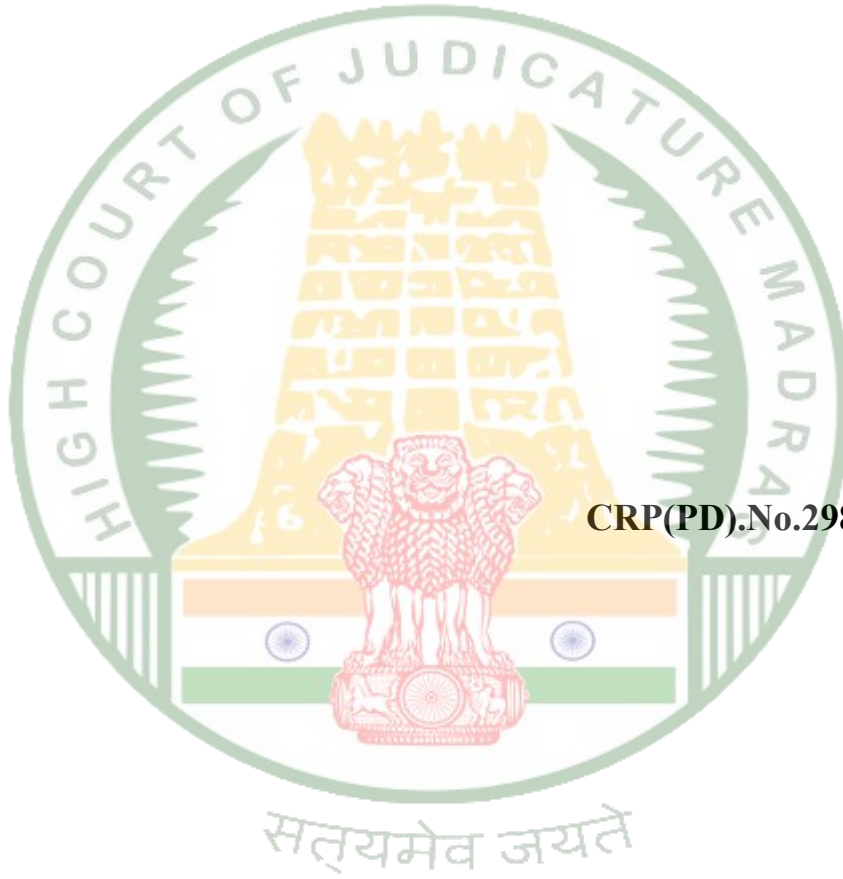
1. The Subordinate Judge, Madurantakam
2. The Junior Engineer,  
O & M, TNEB, Cheyyur,  
Kanchipuram District.
3. The Assistant Engineer,  
O & M, TNEB, Cheyyur,  
Kanchipuram District.
4. The Executive Engineer,  
O & M, TNEB, Cheyyur,  
Kanchipuram District.
5. The Superintendent Engineer,  
TNEB, Chengalpattu,  
Kanchipuram District.



WEB COPY

**G.K.ILANTHIRAIYAN,J.**

Kv



**CRP(PD).No.2981 of 2015**

**WEB COPY**

**19.02.2021**