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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2021

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.23229 of 2014

and

M.P.No.2 of 2014

Mr.V.Ilangovan

... Petitioner

Vs.

1. The Junior Accounts Officer / Revenue-I,
Electricity Department,
Government of Puducherry. Puducherry.
2. The Assistant Engineer Town II Sub Division,
Electricity Department,
Government of Puducherry, Puducherry.
3. The Executive Engineer-I
Electricity Department,
Government of Puducherry. Puducherry.
4. The Junior Engineer,
Electricity Department,
Government of Puducherry.
Muthialpet, Puducherry.

5. Thillai Narmadha

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to impugned Order vide No.5346/ED/JAO/ Rev-I/S-II/2014 dated 09.07.2014 issued by the 1st respondent and quash the same as highly illegal, unlawful, Arbitrary & Malafide and consequently direct respondents to Transfer Electricity Service Connection Policy Nos.06-31-040314A & 06-31-04-0314B in favour of the petitioner and also direct the respondents to issue monthly Current Consumption Bill as per reading showed by the existing new installed Meter.

For Petitioner :

Mr.R.Sreedhar

For M/s.Vaikunth



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For R1 to R4 : Mr.J.Kumaran
Additional Government Pleader
[Puducherry]
For R5 : Mr.Kandhan Doraisami

O R D E R

The order dated 09.07.2014 issued by the 1st respondent is sought to be quashed in the present writ petition.

2.The petitioner submitted an application for transfer of Electricity Service connection, which stands in the name of Smt.Thillai Narmadha. The Electricity Department rejected the application submitted by the petitioner for transfer of service connection on the ground that Smt.Thillai Narmadha raised an objection by stating that she is the owner of the property. Thus, the petitioner is constrained to move the present writ petition.

3.The learned counsel appearing on behalf of the contesting respondents made a submission that a Civil Suit between the parties is pending in O.S.No.1 of 2014 and the Suit is in the final stage and posted for arguments.

4.This Court is of the considered opinion that the Electricity Board Authorities cannot decide the title or ownership in respect of the immovable properties and on production of relevant documents, a decision is to be taken for the purpose of providing electricity service connection. In case of dispute, the parties are bound to resolve the same before the competent Civil Court of law. In the present case, the petitioner has already approached the competent Civil Court of Law and the Suit is pending.

5. This being the factum, after reaching the finality in the civil litigation, either of the parties are at liberty to file appropriate application for necessary transfer or otherwise in the manner known to law.

6. With these observations, the writ petition stands



dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

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Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

Jeni/Cse

To

1. The Junior Accounts Officer / Revenue-I,
Electricity Department,
Government of Puducherry,
Puducherry.
2. The Assistant Engineer Town II Sub Division,
Electricity Department,
Government of Puducherry,
Puducherry.
3. The Executive Engineer-I
Electricity Department,
Government of Puducherry,
Puducherry.
4. The Junior Engineer,
Electricity Department,
Government of Puducherry,
Muthialpet,
Puducherry.

+1cc to Mr.Muthumani Doraisami, Advocate, S.R.No.65998

+1cc to the Government Pleader (Puducherry), S.R.No.65691

W.P.No.23229 of 2014

SSI (CO)
SU (28/12/2021)