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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.20746 of 2021

- 1.Unnamalai
- 2.Uma
- 3.Usha

... Petitioners

-Vs-

- 1.The Chairman and Managing Director
Tamil Nadu Generation and Distribution
Corporation Ltd., Chennai - 600 002.
- 2.The Superintending Engineer
Tamil Nadu Generation and Distribution
Corporation Limited, Villupuram.
- 3.The Executive Engineer O & M
Tamil Nadu Generation and Distribution
Corporation Limited, Tindivanam.
- 4.The Junior Electric Engineer
Tamil Nadu Generation and Distribution
Corporation Limited, Mailam.

- 5.V.Thandavarayan

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 4th respondent herein to disconnect the electricity service connection No.2213 in the name of the 5th respondent to the well in the Ayan Punja lands measuring 60 Cents (0.24.25 Hectares), comprised in Old Survey No.199/3, New Survey No.82/3C under Patta No.1356, which is in the name of the petitioners herein, who acquired the same by a Settlement Deed dated 04.12.1978 registered as Document No.2246 of 1978 at the Sub Registrars Office, Mailam executed by the petitioner's father Vadivel Gounder.



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For Petitioner : Mr.T.Dhanaseskaran

For Respondents : Mr.L.Jai Venkatesh
Standing Counsel

O R D E R

This writ petition has been filed for the issue of a writ of Mandamus directing the fourth respondent to disconnect the electricity service connection given in the name of the fifth respondent.

2. Heard Mr.T.Dhanasekaran, learned counsel for the petitioner and Mr.L.Jai Venkatesh, learned Standing Counsel appearing for the respondents.

3. It is seen from records that the petitioners have already filed a suit in O.S.No.170 of 2020 and the same is pending on the file of Principal District Munsif, Tindivanam. In the said suit, apart from the fifth respondent, the Electricity Department is also added as one of the defendant. A reading of the plaint filed in the said suit shows that, the petitioners have sought for a declaration to declare their right in the subject well and for a consequential injunction restraining the electricity department from providing any service connection. The grievance of the petitioners is that, in spite of the pendency of the suit, the respondents have proceeded to give service connection to the fifth respondent. Aggrieved by the same, the petitioner has made a representation and since the same was not considered, the present writ petition has been filed before this Court seeking appropriate direction.

4. In the considered view of this Court, the petitioners cannot be permitted to parelly move a writ petition when the suit is pending. If really the petitioners are aggrieved, it is always left open to file an appropriate application in the pending suit for mandatory injunction to disconnect the service connection. When such a remedy is available, the petitioners cannot be allowed to file a writ petition before this Court and seek for the remedy.



5. Except giving this clarity, no further orders can be passed in the present writ petition. The writ petition is disposed of accordingly. No costs.

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Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

KST
To

- 1.The Chairman and Managing Director
Tamil Nadu Generation and Distribution
Corporation Ltd., Chennai - 600 002.
- 2.The Superintending Engineer
Tamil Nadu Generation and Distribution
Corporation Limited, Villupuram.
- 3.The Executive Engineer O & M
Tamil Nadu Generation and Distribution
Corporation Limited, Tindivanam.
- 4.The Junior Electric Engineer
Tamil Nadu Generation and Distribution
Corporation Limited, Mailam.

+lcc to Mr.L.Jaivenkatesh, Advocate Sr.50964
+lcc to Mr.T.Dhanasekaran, Advocate Sr.50721

W.P.No.20746 of 2021

pmk[co]
srg 18/10/2021