



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. No.21656 of 2021

K.Manjunathan

... Petitioner

-Vs-

1. The Superintending Engineer,
TANGEDCO,
Tiruvannamalai Electricity Distribution,
O & M / West,
Tiruvannamalai.

2. The Junior Engineer,
TNAGEDCO,
Tiruvannamalai Electricity Distribution,
O & M / Rural East,
Tiruvannamalai.

3. A.Manikanda,

4. S.Chinnadurai

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 & 2 herein to consider and pass appropriate orders on the petitioner's representation dated 24.08.2019, requesting the respondents 1 & 2 herein to disconnect the Electric Service Connection No.1440 and 1415 standing in the name of the respondents 3 & 4 herein.

For Petitioner : Mr.V.Prakash Babu

For Respondents : Mr.L.Jai Venkatesh
1 & 2 Standing Counsel

O R D E R

This writ petition has been filed for issue of writ of mandamus directing the respondents to consider the representation made by the petitioner on 24.08.2021 wherein the



petitioner has requested 1st and 2nd respondents to disconnect the service connection that stands in the name of the 3rd and 4th respondents.

2. Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondents.

3. It is seen from records that the 3rd and 4th respondents have already filed a suit in O.S.No.109 of 2018 and the same is pending on the file of the District Munsif Court, Tiruvannamalai. The learned counsel for the petitioner submitted that the patta granted in favour of the 3rd and 4th respondents has already been canceled and the 3rd and 4th respondents have willfully shown a wrong boundary and had managed to get the service connection in their name. Therefore, the petitioner had made a representation to withdraw the service connection given in favour of the 3rd and 4th respondents.

4. In the considered view of this Court, there is already a suit pending from the year 2018 and therefore, this Court cannot entertain the writ petition parallelly and it is left open to the parties to establish their rights before the competent civil court. Even if a direction is issued to the 1st and 2nd respondents, they will not be able to process the application since they must also await final judgment and decree in the suit. Therefore, liberty is given to the petitioner to workout his remedy in the pending suit. Considering the fact that the suit is pending from the year 2018 onwards, there shall be a direction to the District Munsif Court, Tiruvannamalai to dispose of the Suit in O.S.No.109 of 2018, within a period of six months from the date of receipt of copy of this order.

5. This writ petition is disposed of accordingly. No Costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Superintending Engineer,
TANGEDCO,
Tiruvannamalai Electricity Distribution,
O & M / West, Tiruvannamalai.



2. The Junior Engineer,
TNAGEDCO,
Tiruvannamalai Electricity Distribution,
O & M / Rural East,
Tiruvannamalai.

3. The District Munsif,
Tiruvannamalai.

+1CC to Mr.L.Jai Venkatesh, Advocate, Sr.No.53057

+1CC to Mr.V.Prakash Babu, Advocate, Sr.No.52863

W.P. No.21656 of 2021

PA (CO)

K.RK. (02.11.2021)