



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.2172 of 2021

WEB COPY

P.Sudhendra Pandian

... Petitioner

-Vs-

1.The Executive Engineer,
Tamil Nadu Electricity Board,
Usilampatti,
Thirumangalam Taluk,
Madurai District.

2.The Assistant Electricity Engineer,
Tamil Nadu Electricity Board,
Thummakundu,
Sindupatti-625 529,
Usilampatti,
Madurai District.

3.T.Mahalakshmi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents 1 & 2 from giving electricity service connection to the property situated in S.No.86/1A, at Vagaikulam Village, Thirumangalam Taluk, Madurai District, till the disposal of S.A.(MD)No.320 & 321 of 2007 pending on the file of this Court.

For Petitioner : Mr.S.Vellaichamy

For R1 & R2 : Ms.M.Parameswari
for Mr.S.M.S.Johny Basha

ORDER

Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for R1 & R2.

2.The petitioner states that there is a civil dispute between the petitioner on the one hand and the third respondent on the other. The civil dispute is now presently pending adjudication in S.A.(MD)Nos.320 and 321 of 2007. The third respondent appears to have applied for grant of electricity service connection. The petitioner wants this Court to restrain the TANGEDCO Authorities from giving the service connection sought for. I asked a



specific question as to whether the petitioner has obtained any interim order in the pending second appeal. The answer is in the negative. That apart, the writ prayer is couched in the form of an interim relief. The Hon'ble Supreme Court has held that the final relief to be granted in writ proceedings under Article 226 of the Constitution of India cannot be in the nature of an interim relief. Therefore, the Writ Petition is not maintainable. However, I must clarify that the grant of electricity connection in favour of the third respondent will not confer any right on the third respondent. The rights of the parties will abide eventually by the outcome of the pending civil proceedings.

3. With these observations, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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