



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.8616 of 2021

G.Antony Raj

... Petitioner

Vs.

1.The Assistant Executive Engineer,
TANGEDCO Ltd.,
Thillai Nagar,
Kovilpatti - 628 502,
Tuticorin District.

2.The Junior Engineer,
Distribution / Rural,
TANGEDCO Ltd.,
Kovilpatti, Tuticorin District.

3.Bhakiyanathan

4.I.Anthony Rajan

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent under his proceedings LR.NO.AE/JE/O&M/D.No.Nil/2020-21, dated 10.03.2021, in respect of Service No.321013775 and LR.NO.AE/JE/O & M/ D.No.Nil/2020-21, dated 10.03.2021, in respect of Service No.321013921, through which, two Electricity connections were transferred in the name of the respondents 3 and 4 in respect of the petitioner's property comprised in Survey No.266/16A in Door No.1/61-1, 1/61-2, 1/64, Kamanayakkanpatti Village, Kayathar Taluk, Tuticorin District and declare the same as illegal unsustainable and consequently direct the 2nd respondent to restore the said Two Electricity Connections in the name of the petitioner's father on the basis of his representation, dated 02.12.2020, 15.03.2021, within a time frame as may be fixed by this court.

For Petitioner : Mr.M.Ponniah

For Respondents : Mr.S.M.S.Johnny Basha for R1 & 2
Standing Counsel



ORDER

This writ petition has been filed challenging the transfer of the service connection in the name of the private respondents.

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2. Heard Mr.M.Ponniah, learned counsel for the petitioner and Mr.S.M.S.Johnny Basha, learned Standing Counsel, for the respondents 1 and 2.

3. In the considered view of this Court, the petitioner had already approached this Court and filed W.P.(MD).No.18068/2020, challenging the registration of the documents in favour of the private respondents. This Court dismissed the writ petition by order, dated 17.02.2021, on the ground that the petitioner has already filed a substantial suit in O.S.No.164 of 2020 before the Sub Court, Kovilpatti and therefore, the petitioner has to workout his remedy only in the pending suit and he cannot be allowed to parallelly file writ petitions challenging the other attendant proceedings pertaining to the subject property. The reasons given by this Court while dismissing the earlier writ petition will equally apply to the present writ petition also. The petitioner has filed the suit seeking for the relief of declaration, permanent injunction and other consequential reliefs pertaining to the subject properties against the private respondents as well as the officials. While so, the petitioner cannot parallelly file independent writ petitions as against the registration, transfer of electricity connection, transfer of name in the property tax etc., All these grievance will be ultimately redressed once the suit is disposed of one way or the other. Therefore, the petitioner cannot be allowed to approach this Court again and again and it is made clear that the petitioner has to workout his remedy only before the competent Civil Court, where the suit is pending.

4. In view of the above, this Court does not find any ground to entertain this writ petition and accordingly, the same is dismissed. No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



To

1.The Assistant Executive Engineer,
TANGEDCO Ltd.,
Thillai Nagar,
Kovilpatti - 628 502,
Tuticorin District.

2.The Junior Engineer,
Distribution / Rural,
TANGEDCO Ltd.,
Kovilpatti, Tuticorin District.

+1 CC to M/s.M.PONNIAH, Advocate (SR-17674[F] dated 27/04/2021)

W.P. (MD) .No.8616 of 2021
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AS(11.06.2021) 3P 4C