



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.04.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD).No.12747 of 2014

K.Alaguraja

... Petitioner

Vs.

1.The Chief Engineer (Distribution),
Tamil Nadu Electricity Generation and Distribution Corporation,
Madurai Division,
K.Pudur, Madurai - 7.

2.The Assistant Engineer (Distribution),
Tamil Nadu Electricity Generation and Distribution Corporation,
Uthappanaickanur,
Usilampatty Taluk,
Madurai District.

3.Inbaraj ... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondents 1 and 2 to restore the agriculture Electricity Supply Connection to SC No: 181 situate in S.No.20/11 of Nadupatty Hamlet, Vellaimalaipatty, Usilampatty Taluk, Madurai District.

For Petitioner	: Mr.D.Malaichamy
For Respondent	: Mr.S.M.S.Johnny Basha for R1 & R2 Standing Counsel Mr.T.R.Jeyapalam for R3

ORDER

This writ petition has been filed seeking for restoration of the Agricultural Electricity Service Connection.

2.When the matter was taken up for hearing on 05.08.2014, this Court passed the following order:

"Notice of motion returnable by 08.09.2014.

2.Private notice to the third respondent is also permitted.

3.The petitioner challenges the order passed by the second respondent Electricity Board disconnecting the electricity supply. Admittedly, there is a suit pending between the petitioner, his family members and the third respondent. In the said suit, the Electricity Board is also a party and an application for interim injunction is also pending. While so,



parallel, the second respondent appears to have entertained an objection petition at the instance of the third respondent and disconnect the electricity supply. The issue relating to title to the property is now pending adjudication before the Civil Court in which the Electricity Board is also a party, it is appropriate for the Electricity Board to await order from the Civil Court and not resort to passing an order as passed by the order passed by the first respondent.

4.In that view of the matter, there will be an order of interim Stay."

3.The learned counsel for the petitioner submitted that pursuant to the above order, the Electricity Supply has been restored and the petitioner continues to enjoy the same till date.

4.It is brought to the notice of this Court by the learned counsel for the petitioner as well as the learned counsel appearing on behalf of the third respondent that a Civil suit filed in O.S.No.34 of 2014 before the District Munsif Court, Usilampatti, is pending and the case is now at the stage of trial.

5.Taking into consideration the facts and circumstances of the case and also the fact that the Electricity Supply has already been restored and there is a suit pending before the competent Civil Court, it is left open to the petitioner and the third respondent to work out their rights in the pending suit and the rights of the parties will be determined by the civil Court independently on its own merits. The learned District Munsif, Usilampatti, is directed to dispose of the O.S.No.34 of 2014 on his file, within a period of six months from the date of receipt of a copy of this order.

6.This writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CSIII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

To

1.The District Munsif,
Usilampatti.



2.The Registrar (Judicial)
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.D.MALAICHAMY, Advocate (SR-17076[F] dated 22/04/2021)

+1 CC to M/s.T.R.JEYAPALAM, Advocate (SR-17295[F] dated
23/04/2021)

W.P. (MD) .No.12747 of 2014
21.04.2021

PM(CO)
KB(24.05.2021) 3P 5C