



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.07.2021**

CORAM:

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P (MD)No.6613 of 2017

and

W.M.P. (MD) .No.5203 of 2017

Chellan @ Velayudham

... Petitioner

vs.

1. The Junior Engineer (Distribution),
TANGEDCO,
Kaliyal,
Kanyakumari District.

2. Sasidharan

(The second respondent is impleaded as per the
order of this Court, dated 14.07.2021, in
W.M.P. (MD) .No.7924 of 2017.)

... Respondents

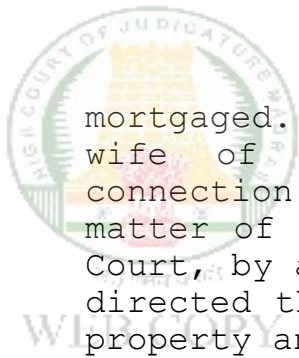
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the respondent pertaining to its order bearing Ka.no.Enipo/V/ Kaliyal/ko.kattu/a.no.1088116, dated 29.11.2016 and to quash the same and consequently direct the respondent to grant electricity connection to the petitioner's residential building bearing Door No.23-10B1 in Survey No.522/1 of Kaliyal Village, within a time frame that may be stipulated by this Court.

For Petitioner	: Mr.S.C.Herold Singh
For R1	: Mr.S.M.S.Jhony Basha
For R2	: M/s.J.Anandhavalli

O R D E R

This writ petition has been filed challenging the impugned refusal letter issued by the first respondent, dated 29.11.2016 and for a consequential direction to the first respondent to grant electricity connection to the residential building belonging to the petitioner.

2. The case of the petitioner is that the subject property measures an extent of 42 cents and out of the same, 22 cents was



mortgaged. The property was purchased subject to this mortgage. The wife of the petitioner had applied for electricity service connection and the same was rejected and it became the subject matter of challenge before this Court in W.P.No.19157 of 2000. This Court, by an order dated 04.01.2001, dismissed the writ petition and directed the wife of the petitioner to establish her right over the property and seek for the service connection.

3. The wife of the petitioner died on 13.08.2006. Subsequently, the petitioner made an application along with necessary documents seeking for service connection. The said application was rejected by the first respondent and aggrieved by the same, the present writ petition has been filed before this Court.

4. Heard Mr.S.C.Herold Singh, learned counsel appearing for the petitioner, Mr.S.M.S.Jhony Basha, learned counsel appearing for the first respondent and M/s.J.Anandhavalli, learned counsel appearing for the second respondent.

5. It is seen from the records that the wife of the petitioner had initially filed a suit for declaration and permanent injunction in O.S.No.328 of 1997 against the second respondent before the Principal District Munsif Court, Kuzhithurai and the same was dismissed and confirmed by this Court in S.A.(MD).No.224 of 2006.

6. The second respondent had filed a suit in O.S.No.293 of 1983 for redemption of the property and the suit ultimately ended up before this Court in S.A.(MD).Nos.1247 to 1249 of 1994 and S.A.(MD).No.224 of 2006. A final judgment was passed in these second appeals and the redemption decree passed in favour of the second respondent was confirmed. The second respondent filed an execution petition for delivery of possession and the Principal District Munsif, Kuzhithurai by fair and final order dated 10.02.2014, ordered for delivery of possession insofar as 22 cents, out of 32 cents. It is also brought to the notice of this Court that the petitioner filed an application under Section 47 of C.P.C. and the same was ordered on 18.01.2018 and aggrieved by the same, the second respondent filed C.R.P. before this Court in C.R.P.(MD)No.1120 of 2019 and the final arguments have been heard and orders have been reserved.

7. In the considered view of this Court, the final orders in the C.R.P. will conclusively decide as to whether the second respondent will be taking possession of the property where the building has been constructed. In the meantime, if any directions are issued to the first respondent for providing electricity service connection, that may only cause more confusion. The petitioner having waited so long, can wait for some more time till the final orders are passed in the C.R.P. Subject to the result in the C.R.P., it is left open to the petitioner to revive the request for electricity service connection.



8. This Writ Petition is disposed of accordingly. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AS)

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Sub Assistant Registrar(CS)

akv

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.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-22840[F] dated 16/07/2021)

+1 CC to M/s.J.ANANDHAVALLI, Advocate (SR-22752[F] dated 15/07/2021

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14.07.2021

LS(CO)

KB(27.07.2021) 3P 3C