



W.P.No.4340 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :28.10.2022

CORAM:

THE HON'BLE **MR.JUSTICE N.SATHISH KUMAR**

W.P.No.4340 of 2015

R.Sampath

... Petitioner

Vs.

1.The Assistant Engineer
Operation and Maintenance
Tamil Nadu Electricity Board
Gandhi Nagar
Chennai Electricity Distribution Circle (North)
Sembium, Chennai 600 011

2.Chitra

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Mandamus, forbearing the first respondent from granting new electricity service connection (domestic) in favour of the 2nd respondent bearing Door No.22 (28), Muthumariamman Koil Street, Nehru Nagar, Erukkencherry, Chennai 600 118 based on the petitioner's representation dated 16.02.2015.

For Petitioner : Mr.M.Saravanakumar

For Respondents : Mr.L.Jaivenkatesh for R1
No Appearance for R2

ORDER



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Writ Petition has been filed under Article 226 of Constitution of India praying for issuance of Writ of Mandamus, forbearing the first respondent from granting new electricity service connection (domestic) in favour of the 2nd respondent bearing Door No.22 (28), Muthumariamman Koil Street, Nehru Nagar, Erukkencherry, Chennai 600 118 based on the petitioner's representation dated 16.02.2015, mainly on the ground that the 2nd respondent has no right whatsoever in the property, whereas the petitioner is the owner of the property.

2.Counter affidavit has been filed by the 1st respondent stating that, though some documents have been filed by the 2nd respondent, as the objections were received from the petitioner, the parties were directed to produce certain documents to prove in respect of possession, the petitioner produced sale deed in his favour. However, the 2nd respondent has not produced any revenue records to show that she is in possession of the property where electricity connection was sought. Therefore, the Electricity Department has not granted any connection.



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3.Learned counsel for the petitioner submitted that Civil Suit is also filed by the husband of the 2nd respondent in O.S.No.3250 of 2014 before the IV Assistant City Civil Court, Chennai.

4.Heard the learned counsel for the petitioner and the learned counsel for the Electricity Department. None appeared for the 2nd respondent.

5.As the title itself has not been decided, till the title of the property is decided by the Civil Court, the 1st respondent Board is directed not to grant any service connection awaiting order of the Civil Court.

6.Subject to the above observation, this Writ Petition stands disposed of. No costs.

28.10.2022

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N.SATHISH KUMAR, J.

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