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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.28789 of 2016

and

W.M.P.No.24830 of 2016

D.S.Bharaniselvam

... Petitioner

Vs.

1. Tamil Nadu Generation and
Distribution Corporation Limited,
Rep. by its Managing Director,
144, Anna Salai,
Chennai- 600 002.
2. The Assistant Engineer Distribution and Maintenance
Tamil Nadu Generation and Distribution Corporation ltd.
Udayarpatti Taluk, Salem-636 140.
3. R.Vaithianathan ... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for records on the file of the 2nd respondent in Ka.No.UPA/EPA/U Pati/V.U/KO.New Min Connection/D.No.233/16-17 dated 01.08.2016 and quash the same as illegal incompetent wholly without justification and further direct the respondents to provide electricity connection in S.No.35/2 Cuddalore Main Road, Udayapatti, Salem.

For Petitioner : Mr.Sunny
for M/s.V.Raghavachari

For Respondents : Mr.L.Jaivenkatesh [R1 & R2]
for TANGEDCO.
Mr.P.Jagadeesan [R 3]

O R D E R

The order of rejection dated 01.08.2016, with reference to the application submitted by the petitioner for providing



electricity service connection is under challenge in the present writ petition. The application submitted by the petitioner was rejected on the ground that a civil case in O.S.No.295 of 2015 was pending, which was filed by the 3rd respondent.

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2. The learned counsel for the 3rd respondent made a submission that the suit was instituted for partition and the earlier suit filed by the petitioner in O.S.No.765 of 2015 alone was disposed of. As far as the suit filed by the 3rd respondent for partition in O.S.No.295 of 2015 is still pending, in the said suit I.A.No.513 of 2015 was filed and the competent Civil Court passed an interim order of status-quo.

3. This being the factum, if at all, any grievance exists for the respective parties, they are at liberty to approach the Civil Court for the purpose of considering their grievances and for grant of an appropriate remedy. Contrarily, High Court cannot consider the issues during the pendency of the Civil Suit between the parties more specifically, when the suit is for partition and an interim order of Status-Quo is also in force.

4. Thus, the petitioner is at liberty to approach the Civil Court for the appropriate remedy. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

shr/ska

To

1. Tamil Nadu Generation and
Distribution Corporation Limited,
Rep. by its Managing Director,
144, Anna Salai,
Chennai- 600 002.



2. The Assistant Engineer Distribution and Maintenance
Tamil Nadu Generation and Distribution Corporation ltd.
Udayarpatti Taluk, Salem-636 140.

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+1cc to M/s.V.Raghavachari, Advocate, S.R.No.6269

+1cc to M/s.P.Jagadeesan, Advocate, S.R.No.6083

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and
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KSM(CO)
SU(16/02/2022)