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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2022

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.44250 OF 2016

AND

W.M.P.NO.38096 OF 2016

K.Vijayakumar

...Petitioner

Vs.

- 1.The Superintending Engineer,
Tamil Nadu Generation and
Distribution Corporation Ltd,
E.V.N Road, Erode - 638 009.
- 2.The Executive Engineer (O&M),
Tamil Nadu Generation and
Distribution Corporation Ltd,
R.S.Road, Perundurai - 638 052.
- 3.The Assistant Executive Engineer (O&M),
Tamil Nadu Generation and
Distribution Corporation Ltd O&M,
Arasalur Road, Chennimalai - 638 051.
- 4.The Assistant Engineer / Rural (O&M),
Tamil Nadu Generation and
Distribution Corporation Ltd O&M,
Arasalur Road, Chennimalai - 638 051.

5.M.Ponnusamy

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents 1 to 4 from changing or altering the electricity service connection NO.065-005-440 of Pasuvapatty Village in the name of the 5th respondent and further direct the respondents 1 to 4 to disconnect the above said electricity service connection permanently.

For Petitioner : Mr.K.Sasindran

For Respondents : No Appearance
(R1 to R4)



For Respondent 5 : Mr.Vignesh
For Mr.C.S.Saravanan

O R D E R

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The relief sought for in the present writ petition is to forbear the respondents 1 to 4 from changing or altering the electricity service connection No.065-005-440 of Pasuvapatty Village in the name of the 5th respondent and further direct the respondents 1 to 4 to disconnect the above said electricity service connection permanently.

2. Admittedly, Civil Suit between the parties is pending before the Civil Court of law. The learned counsel for the petitioner states that the suit for partition is also pending. Under these circumstances, the parties are bound to resolve the issues before the Competent Civil Court of law. Only after crystallization of their rights, all necessary applications are to be filed for electricity service connection, transfer of name etc,. However, the Writ Court cannot issue any positive direction when the civil litigation between the parties is pending.

3. Under these circumstances, the parties are bound to approach the Competent Civil Court of law for resolving the issues between them. This being the principles to be followed, the petitioner is at liberty to pursue the civil litigation, which is already pending before the Civil Court of law, for resolving the issues.

4. Accordingly, the writ petition stands disposed of. Consequently, connected Writ Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar

// True Copy //

Sub Assistant Registrar

Jeni/Kan

To

1.The Superintending Engineer,
Tamil Nadu Generation and
Distribution Corporation Ltd,
E.V.N Road, Erode - 638 009.



2.The Executive Engineer (O&M),
Tamil Nadu Generation and
Distribution Corporation Ltd,
R.S.Road, Perundurai - 638 052.

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3.The Assistant Executive Engineer (O&M),
Tamil Nadu Generation and
Distribution Corporation Ltd O&M,
Arasalur Road, Chennimalai - 638 051.

4.The Assistant Engineer / Rural (O&M),
Tamil Nadu Generation and
Distribution Corporation Ltd O&M,
Arasalur Road, Chennimalai - 638 051.

+1cc to Mr.K.Sasindran, Advocate Sr.No.2916

W.P.No.44250 of 2016

NRL(CO)
RVM(31/01/2022)