



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2023

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.4668 of 2023
and
W.M.P.No.4667 of 2023

V.T.C.Selvaraj

.. Petitioner

Vs.

1.The Assistant Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Operation and Maintenance, Mahalingapuram,
No.26, Tank Bund Parallel Road,
Pushba Nagar, Nungambakkam,
Chennai – 600 034.

2.Amir Jamal

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to provide electricity connection to commercial shop S S Times at No.305, Valluvar Kottam High Road, Valluvar Kottam, Nungambakkam, Chennai – 600 034, without insisting no objection from the 2nd respondent.



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For Petitioner	.. Mr.P.Arunkumar
For R1	.. Mr.L.Jai Venkatesh, Standing Counsel
For R2	.. V.Kalyana Raman for M/s.Ayar & Dolia.

ORDER

This writ petition has been filed in the nature of Mandamus seeking a direction to the 1st respondent to provide electricity connection to commercial shop namely, S S Times, at No.305, Valluvar Kottam High Road, Valluvar Kottam, Nungambakkam, Chennai – 600 034, without insisting on no objection from the 2nd respondent.

2.The writ petitioner is a tenant at premise No.15/3, Shivaji Street, T.Nagar, Chennai – 600 017 under the 2nd respondent. Varying facts are given. According to the petitioner the electricity connection was there till the year 2020 and then it was disconnected.



3. Even though notice has not been directed to the 2nd respondent, the learned counsel entered appearance on behalf of the 2nd respondent and stated that since the petitioner had not paid the arrears, the electricity service connection was disconnected in the year 2017 and then he had obtained an illegal and unlawful electricity connection, which had complained by the 2nd respondent in the year 2019 and the same was therefore severed and disconnected.

4. These are disputed facts which are to be examined only by the 1st respondent. To examine those facts, as a matter of fact, a Civil Suit is also been pending in C.S.No..757 of 2016, in which the petitioner is the plaintiff and the 2nd respondent is the 5th defendant. For good measure, the 2nd respondent had also filed a Rent Control Petition though it is not yet numbered.

5. There are other forums to examine the issues raised in the present writ petition. There cannot be three forums adjudicating the same issue. The petitioner can choose any one of the forum, but certainly not the writ Court, which cannot decide disputed facts.



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C.V.KARTHIKEYAN,J.

smv

6.With the above observations, this Writ Petition stands dismissed.

No costs. Consequently, connected Miscellaneous Petition is closed.

20.02.2023

Index:Yes/No
Internet:Yes/No
smv

To

The Assistant Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Operation and Maintenance, Mahalingapuram,
No.26, Tank Bund Parallel Road,
Pushba Nagar, Nungambakkam,
Chennai – 600 034.

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