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W.P.No.4516 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.4516 of 2020

M.Venkatesh

... Petitioner

Vs.

1.The Executive Engineer,
Operation and Maintenance,
TANGEDCO,
Rayakottai Road,
Hosur Taluk,
Krishnagiri District.

2.The Assistant Engineer,
TANGEDCO,
SIPCOT – I, Near ESI Hospital,
Mookandapalli Post,
Hosur Taluk,
Krishnagiri District.

3.M.Rupa

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents 1 and 2 to disconnect the electricity connection in S.C.No.6416 given to the third respondent in respect of the property at S.No.418/1G2, Mookandapalli Village, Hosur Taluk, Krishnagiri District, by considering the petitioner's representation dated 03.01.2020.



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For Petitioner : Mr.R.Jayaprakash
For Respondents : Mr.L.Jaivenkatesh for R1 and R2
Ms.Sangeetha Rajkumar for R3

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus to direct the respondents 1 and 2 to disconnect the electricity connection in S.C.No.6416 given to the third respondent in respect of the property at S.No.418/1G2, Mookandapalli Village, Hosur Taluk, Krishnagiri District, by considering the petitioner's representation dated 03.01.2020.

2.The learned counsel appearing for the petitioner submitted that the petitioner made representation to the official respondents seeking to disconnect the electricity service connection granted in favour of the third respondent, however, the same has not yet been considered.

3.The learned counsel appearing for the official respondents submitted that there is property dispute inbetween the petitioner and private respondent and a suit in O.S.No.368 of 2018 is pending before



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the Sub-Court, Hosur. When civil suit is pending, the Electricity Board has no power to decide the representation made by the petitioner.

4. Admittedly, when civil suit is pending in between the petitioner and private respondent, the petitioner's representation seeking disconnection of electricity service connection granted in favour of the private respondent cannot be decided by the official respondents. Hence, the relief sought for in this writ petition cannot be granted.

5. The writ petition is accordingly dismissed. However, liberty is granted to the petitioner to work out the remedy after disposal of the suit in O.S.No.368 of 2018. No costs.

13.04.2023

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

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M.DHANDAPANI,J.
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To

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Krishnagiri District.
- 2.The Assistant Engineer,
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SIPCOT – I, Near ESI Hospital,
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