



W.P.No.9629 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2023

CORAM
THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.9629 of 2020

S.C.Annamalai

...Petitioner

Vs.

1. The Junior Engineer,
(M & M) TANGEDCO (TNEB),
KEDC, Podaturpettai Town & Post,
Pallipattu Taluk, Tiruvallur District.

2. P.Narasimman (*Deceased*)

3. N.Vanaja

4. N.Sathish Kumar

5. N.Saravanan

6. N.Bharathi

...Respondents

(R3 to R6 substituted as LR's of Deceased R2, vide order dated 03.09.2020 made in WMP.No.13681 of 2020 in W.P.No.9629 of 2020)

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to disconnect the Electricity supply service connection No.1361 to the bore well of the 2nd respondent situated in the land comprised in Survey No.368/1F1 situated in Savudur Village, Pallippattu Taluk, Thiruvallur District.

For Petitioner : Mr.D.Nellaiappan



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For Respondents : Mr.L.Jaivenkatesh, for R1
: Mr.L.Damodaran, for R3 to R6

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ORDER

This Writ petition has been filed seeking direction to the 1st respondent to disconnect the Electricity supply service connection No.1361 to the bore well of the 2nd respondent situated in S.No.368/1F1, Savudur Village, Pallippattu Taluk, Thiruvallur District.

2. The case of the petitioner is that, he claims to be the owner of the lands comprised in S.Nos.368/2A, 368/1B1 and 368/1F, measuring an extent of 25 cents, situated at Podatur Village, Thiruvallur District. While so, the 2nd respondent who has nothing to do with the above said properties, applied for Electricity supply for the bore well which he had dug in the land comprised in S.No.368/1F1, under Thatkal scheme. Immediately, the petitioner made an objection dated 31.12.2019 before the 1st respondent, seeking not to provide electricity connection in favour of the 2nd respondent. Despite the above said objection, the 1st respondent has extended the electricity connection in favour of the 2nd respondent. Hence, this petition.



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3. Though very many grounds have been raised, learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the 1st respondent to consider the petitioner's objection dated 31.12.2017 and to consequently, disconnect the Electricity service connection bearing No.1361 of the bore well of the 2nd respondent situated in S.No.368/1F1 situated at Thiruvallur District.

4. Learned counsel appearing for the respective respondents submitted that, already, the petitioner filed a suit in O.S.No.32 of 2016 on the file of the District Munsif cum Judicial Magistrate, Pallipattu in respect of the disputed property and the same is pending. While so, filing the present Writ petition for the very same relief is not sustainable and accordingly, prayed for dismissal of this Writ petition.

5. Heard learned counsel on either side and perused the materials available on record.

6. A perusal of the material documents placed on record reveal that, the issue involved in the present Writ petition is purely a civil dispute in



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between the petitioner and the private respondents, for which, the petitioner had already filed a suit in O.S.No.32 of 2016 on the file of the District Munsif cum Judicial Magistrate, Pallipattu, seeking the very same relief as sought for in this Writ petition and the same is pending. While such being the case, filing the present Writ petition is not sustainable, as the issue is purely civil in nature and the same cannot be adjudicated under Article 226 of the Constitution of India. However, the petitioner is at liberty to canvass all his grievances before the lower Court, where the suit is pending and the Lower Court shall consider the same and pass appropriate orders, without being influenced by any of the observations made in the present Writ petition.

7. With the above observations and directions, this Writ petition stands disposed of. No costs.

05.06.2023

skt

NCC : Yes/ No
Speaking Order : Yes/ No
Index : Yes/ No

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To
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The Junior Engineer,
(M & M) TANGEDCO (TNEB),
KEDC, Podaturpettai Town & Post,
Pallipattu Taluk, Tiruvallur District.

M.DHANDAPANI, J.

skt

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