



WEB COPY



W.P.No.7954 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.7954 of 2020
And
W.M.P.No.9393 of 2020**

Sudalai

... Petitioner

Vs.

1.The Addl. Divisional Engineer
Tamil Nadu Electricity Board
(TANGEDCO)
Ambattur,
Ambattur Circle,
Chennai – 600 053.

2.The Assistant Engineer
Tamil Nadu Electricity Board
(TANGEDCO)
Ambattur,
Ambattur Circle,
Chennai – 600 053.

3.D.Dhandapani

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned proceedings No.Vu.Po./Ki.Vu.Pa/



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Ambatmaiya/Ko. Complaint No.418 dated 05.03.2020 passed by the second respondent herein and quash the same as illegal and consequently direct the respondents herein to provide electricity connection to the petitioners property situated at No.23, Arjuna Nagar Extension, Thirumullaivoyal, Chennai.

For Petitioner : Mr.R.Ramesh

For Respondents : Mr.L.Jaivenkatesh for R1 and R2

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the impugned proceedings No.Vu.Po./Ki.Vu.Pa/Ambatmaiya/Ko. Complaint No.418 dated 05.03.2020 passed by the second respondent and to quash the same as illegal and to consequently direct the respondents to provide electricity connection to the petitioner's property situated at No.23, Arjuna Nagar Extension, Thirumullaivoyal, Chennai.

2.The case of the petitioner is that the petitioner is the owner of the subject property and he purchased the same from one Chinnamma and registered the same in the Office of the Sub Registrar, Ambattur



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vide document no.2843/1994 and he applied for electricity service connection, however, the same was rejected based on the objection made by one Mohan Babu who is the power agent of the third respondent. Hence, this writ petition.

3.The learned counsel appearing for the petitioner submitted that the petitioner is the owner of the property and the third respondent often interfered with the property and hence, the petitioner filed O.S.No.284 of 2019 before the District Munsif Court, Ambattur as against the third respondent and his power agent and the said suit is pending. Even then, the petitioner is entitled for temporary electricity service connection.

4.The learned counsel appearing for the respondent 1 and 2 submitted that there is dispute inbetween the petitioner and the third respondent for which a civil suit is pending. When civil suit is pending inbetween the parties, the respondents have no power to grant either temporary or permanent electricity service connection. Hence, the impugned order warrants no interference.



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5. Heard the arguments advanced on either side and perused the materials available on record.

6. The facts in the present case is not in dispute. The petitioner claim that he is the owner of the subject property and he purchased the same from one Chinnamma and registered the same in the Office of the Sub Registrar, Ambattur vide document no.2843/1994, based on which, he applied for temporary electricity service connection, however, the same was rejected based on the objection made by one Mohan Babu who is the power agent of the third respondent.

7. Further, the petitioner has instituted civil suit in O.S.No.284 of 2019 before the District Munsif Court, Ambattur, as against the third respondent and his power agent and the said suit is pending. Therefore, if the official respondents effect service connection as sought for by the petitioner it will adversely affect the interest of the petitioner as well as the private respondent in the pending civil suit. Hence, the impugned order cannot be interfered with.

8. The writ petition is dismissed. However, liberty is granted to



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the petitioner to make fresh application for electricity service connection, if he succeed in the civil suit in O.S.No.284 of 2019 pending before the District Munsif Court, Ambattur. No costs. Consequently, the connected miscellaneous petition is closed.

01.06.2023

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

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