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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.12030 of 2020

M.Thirugnanam ... Petitioner

Vs.

1.The Assistant Engineer
Tamil Nadu Electricity Board
(TANGEDCO)
Perambalur District.

2.Jothiramalingam
3.Selvaraj ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to provide new electricity connection in the petitioner's name, by considering the petitioner's representation dated 14.08.2020 after receiving the required deposit for commercial electric connection.

For Petitioner : Mr.D.G.Hariprasath
for M/s.B.Prasanna Vinoth
For Respondents : Mr.D.Suresh Kumar for R1
Ms.Usha Raman for R2
Mr.N.Desinghu for R3

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O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the first respondent to provide new electricity connection in the petitioner's name, by considering the petitioner's representation dated 14.08.2020 after receiving the required deposit for commercial electric connection.

2.The case of the petitioner is that the petitioner claim that he purchased the property from the second respondent, however, the second respondent refused to register the sale agreement and hence he filed O.S.No.7 of 2015 before the Principal District Court, Perambalur and the same is pending. Whileso, the first respondent has disconnected the electricity service connection which was in the name of the second respondent's brother and hence, the petitioner made representation to the first respondent to provide new electricity connection in his name, however, the same has not yet been considered. Hence, this writ petition.

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

4.The facts in the present case is not in dispute. There is title

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dispute inbetween the petitioner and the private respondents, for which, the petitioner has instituted civil suit in O.S.No.7 of 2015 before the Principal District Court, Perambalur and the said suit is pending. When a civil suit is pending, issuing direction to the first respondent does not arise. Hence, the prayer sought for in this writ petition cannot be granted.

5.The writ petition is dismissed. However, liberty is granted to the petitioner to make appropriate application before the Civil Court where the civil suit is pending. No costs.

06.06.2023

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

To

1.The Assistant Engineer
Tamil Nadu Electricity Board
(TANGEDCO)
Perambalur District.

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