



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.03.2023

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.19080 of 2018

1. M.I.John Wesly (Deceased)

2. JW Rajesh
S/o.Late M.I.John Wesly,
No.93C/38,
T.S.Gopal Nagar,
Thiruvotriyur,
Chennai-600 019.

(P2 Substituted as LR of deceased sold petitioner vide order dt. 16.03.2022
made in WMP.No.4581 of 2022 in W.P.No.19080/2018 by VBDJ)

... Petitioner

Vs.

1. The Assistant Engineer,
AE/D/TVTR Tamilnadu Electricity Board,
Chennai Region / North,
Thiruvotriyur, Chennai-600 019.

2. The Assistant Executive Engineer,
AE/D/TVTR, Tamilnadu Electricity Board,
Chennai Region / North,
Thiruvotriyur, Chennai-600 019.

3. The Accounts Officer,
Tamilnadu Electricity Board,
Chennai Region / North,
Thandaiyarpur, Chennai-600 081.



4. T.S.Sultan Alauddin

5. Fathima

6. Kader

7. Nagoorkani

R4 to R7 are residing at No.93C/37

T.S.Gopal Nagar, Thiruvottriyur, Chennai-19.

(R4 to R7 IMPEADED VIDE ORDER

DT 20/4/2021 MADE IN WMP.31045/2019)

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus directing the respondents to delete the name i.e T.S. Sultan Alauddin and others from the electricity connection bearing number 012-014- 105 and restore the original name of petitioners brother namely I.V. Stanley and consider petitioners representation dated 05.05.2016 **AMENDED AS** Writ of Mandamus directing the Respondents to delete the name i.e. T.S.Sultan Alauddin and others from the electricity connection bearing number 021-014-105 and restore the original name of the petitioners brother namely I.V.Stanley and consider the Petitioners representation dated 05.05.2016.

(PRAYER AMENDED VIDE ORDER DT 20/4/2021

MADE IN WMP.31053/2019 IN WP.19080/2018 BY DKKJ)

For Petitioners : Mr.S.Arivazhagan

For Respondent : Mr.Jaivenkatesh, Standing Counsel
RR1 to 3



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ORDER

This Writ Petition has been filed seeking a direction to the Respondents to delete the name i.e. T.S.Sultan Alauddin and others from the electricity connection bearing number 021-014-105 and restore the original name of the petitioners brother namely I.V.Stanley and consider the Petitioners representation dated 05.05.2016.

2. It is the grievance of the the petitioner is the absolute owner of the property of land and building bearing Door No.93C/37, T.S.Gopal Nagar, Thiruvotriyur, Chennai comprised in S.No.237/28 part New S.No.85/1 measuring an extent of 1120 sq.ft. and the electricity connection stands in the name of the petitioner's brother viz., Standly. Thereafter, the petitioner made a representation to the first respondent to change the electricity service connection in his favour. Subsequently, the petitioner came to know that the service connection in respect of the above said properties stand in the name of the 4th respondent and others. However, the representation is not considered till date, the petitioner has filed the present writ petition.

3. The learned counsel for the petitioner submitted that this Court may issue a direction to the respondents 1 to 3 to consider the petitioner's



WEB COPY

representation and pass appropriate orders within the stipulated time as fixed by this Court.

4. The learned Standing Counsel appearing on behalf of the respondents submitted that in respect of the subject matter, the petitioner herein instituted a suit against the private respondents in O.S.No.112 of 2016 on the file of the learned District Munsif Court, Thiruvottiyur and the same is pending. On the other hand, the private respondents have also filed a suit against the petitioner in O.S.No.313 of 2019 before the learned Additional and District Judge, Ponneri to evict the petitioner from the above said property and the same is also pending. When the suit are pending before the concerned Courts, the writ petition filed by the petitioner is not maintainable and therefore, the same is liable to be dismissed.

5. Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondents 1 to 3 and perused the materials available on record.

6. In such view of the matter, when the suits are pending for



adjudication between the parties before the respective civil Courts, this Court cannot issue a direction to the respondents to remove the name of the 4th respondent and others from the electricity connection bearing number 021-014-105. However, liberty is granted to the petitioner to work out his remedy in the manner known to law after disposal of the suits.

7. With the above direction, the writ petition is disposed of. No costs.

06.03.2023

Index: Yes/ No

Internet: Yes/No

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To

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AE/D/TVTR, Tamilnadu Electricity Board,
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M.DHANDAPANI,J.



rli

WEB COPY

3. The Accounts Officer,
Tamilnadu Electricity Board,
Chennai Region / North,
Thandaiyarpeta, Chennai-600 081.

W.P.No.19080 of 2018

06.03.2023