



W.P.No.25359 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.25359 of 2022

and

W.M.P.Nos.24341 of 2022 & 12416 of 2023

D.Paramasivam

... Petitioner

vs.

1.The Chairman,
Tamil Nadu Generation and Distribution Corporation Ltd.,
No.800, Anna Salai,
Chennai – 600 002.

2.The Designated Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
AE/O&M/Kattankolathur,
Maraimalai Nagar,
Chengalpet District.

3.The Assistant Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
O&M/Kattankolathur,
Maraimalai Nagar,
Chengalpet District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus, to call for the records relevant



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to the order in Ka.No.U.Po/O&M/Kattankolathur/ asking file/A.No.068/2021-2022, dated 02.07.2022 passed by the third respondent and quash the same is illegal, improper, unreasonable, arbitrary against the natural justice and thereby direct the respondents to provide domestic electricity service connection to the petitioner's residential property situated at No.7, Sri Sathya Sai Nagar, Ninnakarai Village, Chengalpet Taluk and District in his name by receiving appropriate official charges towards the same.

For Petitioner : Mr.N.Palanisamy

For Respondents : Mr.L.Jai Venkatesh
Standing Counsel

ORDER

The petitioner has filed this Writ Petition seeking issuance of Writ of Certiorarified Mandamus, to call for the records relevant to the order in Ka.No.U.Po/O&M/Kattankolathur/ asking file/A.No.068/2021-2022, dated 02.07.2022 passed by the third respondent and quash the same is illegal, improper, unreasonable, arbitrary against the natural justice and thereby direct the respondents to provide domestic electricity service connection to the petitioner's residential property situated at No.7, Sri Sathya Sai Nagar, Ninnakarai Village, Chengalpet Taluk and District in his name by receiving appropriate official charges towards the same.



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2. Though the petitioner filed W.M.P.No.12416 of 2023 seeking to fix an early date for hearing of the present writ petition, he is consented for the disposal of the main writ petition itself.

3. The case of the petitioner is that, petitioner's grandfather, namely Kanni owned a vast extent of land and after his demise, the petitioner's father and other legal heirs of the said Kanni entered into partition in respect of the properties owned by the said Kanni, in which, the petitioner's father was allotted an extent of 1.47 acres of land. Ever since, the petitioner's father was in absolute possession and enjoyment of the same. While so, the Chennai Metropolitan Development Authority acquired an extent of 79 cents in the above said land owned by the petitioner's father, after payment of compensation amount and the same was subsequently alienated in favour of M/s.Sivananda Orphanage vide Document No.6661 of 2009 along with various other properties. Thereafter, the petitioner constructed a house in the remaining extent of 68 cents and thereby, he made an online application dated 06.12.2021 for providing domestic electricity service connection to his property. However, the petitioner's



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application was rejected by the third respondent through the impugned order in Ka.No.U.Po/O&M/Kattankolathur/ asking file/A.No.068/2021-2022, dated 02.07.2022 without assigning any valid reason. Challenging the same, the petitioner filed the above writ petition before this Court.

4. The learned counsel for the petitioner submits that, the petitioner had already filed a suit in O.S.No.251 of 2011 on the file of the learned District Munsif Court, Chengalpet, for permanent injunction as against M/s.Sivananda Orphanage. Subsequently, M/s.Sivananda Orphanage also filed a suit for declaration in O.S.No.116 of 2015 on the file of the learned District Munsif Court, Chengalpet and both the suits are pending adjudication. Though the petitioner made an application for effecting domestic electricity service connection to his property, however, the same was rejected by the third respondent, which is not sustainable. Accordingly, he prays for appropriate orders.

5. The learned Standing Counsel appearing for the respondents submits that, for the very same disputed property, already civil suits are pending in between the parties before the competent Civil Court. Unless the



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Civil Court arrives a logical conclusion, the application made by the petitioner for domestic electricity service connection is not entertainable.

Therefore, he submits that the third respondent has rightly rejected the petitioner's application. Accordingly, he prays for dismissal of the above Writ Petition.

6. Heard the learned counsel for the petitioner as well as the learned Standing Counsel appearing for the respondents and perused the materials available on record.

7. Though very many grounds have been raised by the learned counsel on either side at the time of argument, however, as rightly pointed out by the learned Standing Counsel appearing for the respondents, that the issue involved in the present writ petition is purely civil in nature and suits in respect of the disputed property are pending before the Civil Court. While such being the legal position, the application filed by the petitioner seeking for domestic electricity service connection to the subject property cannot be entertained by the respondents as the same can be decided only by the competent Civil Court and the respondents are not the competent



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authority to adjudicate the same. Hence, this Court is not inclined to interfere with the impugned order passed by the third respondent dated 02.07.2022.

8. For the reasons aforesaid, this Writ Petition stands dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

02.06.2023

Index : Yes/No

Speaking order / Non-speaking order

Neutral Citation Case : Yes/No

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M.DHANDAPANI, J.

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