



WEB COPY



W.P.No.21451 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2023

CORAM : JUSTICE N.SESHASAYEE

W.P.No.25885 of 2022

J.Shanthi

... Petitioner

Vs

1.The Assistant Engineer (O & M)
TANGEDCO
Annanagar Center
Near Anna Adarsh Martic. Hr. Sec. School
Anna Nagar West
Chennai – 600 040.

2.Nithiyanandhan

3.Yesu @ Swaminathan ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to lay/install the underground electricity cable connection connecting the petitioner's residence situated at Old No.13-A, New No.17, Kamarajar Street, Old Thirumangalam, Anna Nagar West, Chennai – 600 040 from the street junction box by virtue of the charges of Rs.8,250/- collected vide Receipt No.9809146 dated 06.07.2022 and Registration cum Processing Charge of



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Rs.118/- vide Receipt Bo.9809147 dated 06.07.2022 by removing temporarily laid overhead exposed live wires / electricity cable connection given to the petitioner's residence from street junction box.

For Petitioner : Mr.B.Ramakrishnan

For Respondents : Mr.L.JaiVenkatesh
Standing Counsel for TNEB for R1
Mr.J.Janarthanan for R2 & R3

ORDER

The petitioner has requested to shift his overhead electric cable to underground. The learned counsel made a fair statement that the respondents 2 and 3 who are the adjacent owners, object to the laying of the cable underground, that the proposed route through which the underground cable is to be drawn is a common pathway.

2.This Court understands that a suit in O.S.No.9478 of 2011 was laid by the petitioner before the IV Assistant City Civil Court, Chennai, for declaration and permanent injunction, and the same is pending. It is seen from the copy of the plaint enclosed in the typed set of papers that the petitioner claims the said pathway to be a common pathway, whereas respondents 2 and 3 assert that it is their property. Now till this issue is not resolved, it will be



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adventurous for the petitioner to undertake that which he is now proposing.

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3. This Court directs the IV Assistant Judge, City Civil Court, Chennai to expedite the trial of the matter and dispose of the suit on or before 30.10.2023.

4. With the above observation and direction, this writ petition is closed. The petitioner will be at liberty to work out her remedy before the civil Court. No costs.

21.07.2023

Index : Yes / No

Speaking order / Non-speaking orders

To:

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Annanagar Center
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Chennai – 600 040.



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N.SESHASAYEE.J.,

ds

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