



WEB COPY



W.A.No.502 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE BHARATHA CHAKRAVARTHY

W.A.No.502 of 2024

G.BAKTHAVATHCHALAM

.. Appellant

Vs

1. THE EXECUTIVE ENGINEER
Operation and Maintenance,
Chennai South Electricity Distribution Circle
TANGEDCO, 110 KV 99, Tambaram,
Chennai-600 045.
2. The Assistant Engineer,
Operation and Maintenance,
Chennai South Electricity Distribution Circle,
New Colony Section Officer, TANGEDCO,
Chrompet, Chennai-066.

3. A.Margret Rita

.. Respondents

Prayer : Appeal under Clause 15 of the Letters Patent to set aside the order dated 18.04.2023 passed in W.P.No.2971 of 2020 by the learned Single Judge.



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For the Appellant : Mr.J.Muthukumaran

For the Respondents : Mr.L.Jaivenkatesh
for respondents 1 and 2

JUDGMENT

(Delivered by *the Hon'ble Chief Justice*)

Heard Mr.J.Muthukumaran, learned counsel for the appellant;
and Mr.L.Jaivenkatesh, learned counsel for respondents 1 and 2.

2. The appellant had filed a writ petition seeking directions against respondents 1 and 2 to remove the live electricity wire emanating from the Second Street, Paduvai Nagar, Chrompet, and passing through the property of the appellant in Survey No.413/6.

3. The learned Single Judge dismissed the writ petition and directed the appellant to approach the civil court.

4. Learned counsel for the appellant submits that the



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appellant had filed a civil suit against the third respondent for declaration of ownership and possession. The suit of the appellant is decreed. The appeal filed by the third respondent is dismissed. Learned counsel for the appellant submits that respondents 1 and 2 cannot allow the live wire over the property of the appellant.

5. It appears that the appeal filed by the third respondent against the judgment and decree in the suit filed by the appellant is dismissed on 14.9.2022. However, this fact was not brought to the notice of the learned Single Judge.

6. Learned counsel for the appellant submits that execution petition for executing the judgment and decree passed in favour of the present appellant and against the third respondent is pending.

7. In case the appellant succeeds in getting the property from the third respondent, then the appellant can renew his request with respondents 1 and 2, which respondents 1 and 2 shall consider on its own merits.



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The writ appeal is disposed of accordingly. There shall be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No
Neutral Citation : Yes/No
sasi

To

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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY,J.

(sasi)

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