



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2024

CORAM

THE HONOURABLE Mr. JUSTICE M.DHANDAPANI

WP.Nos.21800 and 21803 of 2024

H.E.Abdul Azeez ... Petitioner in both the petitions

Vs

1. The Superintending Engineer/South II,
TANGEDCO,
Chennai 110 KV Complex,
KK Nagar, Chennai-78.

2. The Executive Engineer/Tambaram,
110/11KV Tambaram SS complex,
Pudhuthangal, Mullai Nagar,
Tambaram Est, Chennai-45

3. The Assistant Executive Engineer/
Pallavaram 1,
10/33-11 KV Pallavaram SS complex,
Chennai-43.

4. The Assistant Engineer,
Operation and Maintenance/Pallavaram/East,
Chennai Electricity Distribution Circle, South 2,
10/33-11 KV Pallavaram SS complex,
Chennai-43.

.... Respondents 1 to 3 in both the W.P.s'



5. N.Bhama

....5th Respondent in W.P.no.21800 of 2024

5. M.Nandagopal

... 5th respondent in W.P.no.21803 of 2024

Prayer in W.P.no.21800 of 2024 :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the entire records of the 4th respondent which culminated in the impugned proceedings in Ka.No.AE/Pallavaram/E/Z/V/A No. dated 23.01.2024 and quash the same and consequently direct the respondents 1 to 4 to effect electricity service connection for application reference No.2462012431 dated 09.01.2024 forthwith.

Prayer in W.P.no.21803 of 2024 :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 4th respondent to disconnect the electricity connection granted in application reference No.2000924603231589 forthwith.

For Petitioner : Mr.V.P.Sengottuvelan in both the petitions
For Respondent : Mr.L.Jaivenkatesh, for RR1 to 4
Mr.R.Ram Ganesh R5
In both the petitions

COMMON ORDER

Since the issue involved in both the cases are one and the same, they are disposed by way of this common order.



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2. W.P.No.21800 of 2024 has been filed seeking to quash the order passed by the 4th respondent in Ka.No.AE/Pallavaram/E/Z/V/A No. dated 23.01.2024 and consequently direct the respondents 1 to 4 to effect electricity service connection for application reference No.2462012431 dated 09.01.2024 forthwith.

3. W.P.no.21803 of 2024 has been filed seeking a direction to the 4th respondent to disconnect the electricity connection granted in application reference No.2000924603231589 forthwith.

4. It is the case of the petitioner that he is the absolute owner of the vacant land comprised in T.S.No.9/9B measuring an extent of 1,272 sq.mts. Situated at Pallavaram, Chengalpet District. One Kanniammal had purchased land comprised in S.No.21/13 measuring an extent of 0.53 ½ acres situated at No.158, Pallavaram Village, from Vembuli Naidu and others on 22.07.1978 as doc. No.1278/1978 before the SRO, Pallavaram. On 21.09.2006, one Babulal Lodha purchased the above said property and later he had divided the aforementioned land totally measuring an extent of



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0.53 ½ acre comprised in T.S.No.9/9 into two parts and sold one part measuring an extent of 13,461.25 sq. ft. of plot together with undivided half share of the afore said 480 sq. ft. of common passage to the petitioner herein under Sale deed 27.01.2010 bearing Doc. No.638/2010. The petitioner has got mutation of revenue records done in his name and obtained a copy of Pallavaram Town Survey field register.

5. While so, the 5th respondent filed a civil suit in O.S.No.178/2021 on the file of the District Munsif Court, Alandur praying for relief of declaration and injunction. The petitioner filed a CRP before this Court to strike the plaint in O.S.No.178/2021 and this Court has dismissed the same vide order dated 16.03.2023. The 5th respondent herein in the year 2023 attempted to trespass into the suit schedule mentioned property and illegally demolished the compound wall. Hence, the petitioner made a police complaint on 23.05.2023 before the Pallavaram Police Station.

6. In such circumstances, the petitioner herein on 08.01.2024 applied for temporary electricity service connection to commence



construction work in the aforementioned land with the respondents 1 to 4 by paying fee. On 23.01.2024, the 4th respondent has passed the impugned order stating that the application for electricity service connection could not be processes due to objection made by the 5th respondent during pendency of the civil suit. Challenging the said order, W.P.no.22800 of 2024 has been filed.

7. When that being so, the petitioner came to know that the 4th respondent has issued service connection in the name of the 5th respondent in the petitioner's land in T.S.No.9/9B measuring an extent of 1272 sq. mts. In Block No.58, Ward -B, pallavaram Taluk, Kancheepuram District based on the false representation. To disconnect the said electricity service connection, the petitioner has filed W.P.no.22803 of 2024.

8. When the matters are taken up for hearing, the learned counsel for the petitioner submitted that there is an appropriate remedy available before the civil Court where the civil suit is pending. Hence, this Court without going into the merits of the case, this court permit the petitioner to



file an interlocutory application in O.S.No.178/2021 on the file of the District Munsif court, Alandur, which was subsequently transferred to the file of District Munsif Court, Pallavaram for getting temporary electricity connection by impleading the Assistant Engineer as necessary party in the said IA.

9. The learned Standing Counsel submitted that when the civil dispute arose between the parties, they have to approach the competent civil Court and filing the present petitions are not maintainable and the same is liable to be dismissed.

10. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents and perused the materials available on record. Since no adverse order is passed against the 5th respondent in both the writ petition, notice to them is dispensed with.

11. Considering the facts and circumstances of the case and in view of the limited request sought for by the petitioner, this court permits the



petitioner to file an IA where the civil suit is pending within a period of two weeks from the date of receipt of copy of this order. Upon filing such application, the concerned Judge shall consider and pass orders on the IA within a period of four weeks thereafter after providing opportunity to the petitioner as well as the plaintiff within a period of four weeks thereafter. Further this Court directs the succeeding party in the civil suit to make an appropriate application along with the relevant documents and also a copy of the decree before the 4th respondent after conclusion of the civil suit to get appropriate relief.

12. With the above direction, the writ petitions are disposed of.

No costs.

27.08.2024

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To

1. The Superintending Engineer/South II,
TANGEDCO,
Chennai 110 KV Complex,
KK Nagar, Chennai-78.

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