

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.11.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.35934/2015

P.J.Titus

..Petitioner

Versus

- 1.The Superintendent Engineer
Tamilnadu Electricity Board
Sekkadu, Chennai 600 072.
- 2.The Executive Engineer
Tamil Nadu Electricity Board
Sekkadu, Chennai 600072.
- 3.The Assistant Engineer
Tamil Nadu Electricity Board
Sekkadu, Chennai 600072.
- 4.Mr.Ramathilagam
- 5.The Chairman
Tamil Nadu Electricity Board, Anna Salai
Mount Road, Chennai 600 002.

..Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus to direct the respondents 1 to 3 to disconnect the Electricity service connection No.451-002-2080 provided to the plot No.9, situated First Cross Street, Gopalapuram, Chennai comprised in survey No.147/B in the name of the 4th respondent by considering the petitioner's representation dated 18.04.2015.

For Petitioner : Mr.R.Marudhachalamurthy
For RR 1 to 3 & 5 : Mr.P.R.Dhilip Kumar

ORDER

Heard Mr.R.Marudhachalamurthy, learned counsel for the petitioner and Mr.P.R.Dhilip Kumar, learned counsel accepting notice for the respondent 1 to 3 and 5 and with their consent, the writ petition is disposed of at the admission stage itself.

2 After hearing the learned counsel for the petitioner, this Court expressed its view that the prayer sought for in this writ petition is not maintainable since the matter pertains to the validity of the document dated 03.06.1987 executed in favour of the 4th respondent. The petitioner, who claims to be the owner of the property pursuant to the Gift Settlement Deed, registered as Document No.9410/2013, claims that the 4th respondent has fraudulently created the forged document in her favour and produced the said document as if she purchased the said property in the year 1987. This Court, is also of the prima facie view that if at all the petitioner states that the sale deed in favour of the 4th respondent is fraudulent, the remedy for the petitioner lies elsewhere and not before this Court or to request the Assistant Engineer of the Electricity Board to adjudicate the same.

3 Learned Standing counsel appearing for the Electricity Board, on instructions from the officials, submit that the electricity service connection has since been disconnected on account of the non-payment of the dues.

4 Hence, at this stage of the matter, no direction need be issued to the respondents on the prayer sought for by the petitioner, leaving it open to the petitioner to agitate his claims before the appropriate Forum.

5 After the above order was dictated, the learned counsel for the petitioner seeks permission of this Court to withdraw this writ petition with a liberty to file fresh writ petition with the suitably amended prayer.

6 Hence, the writ petition is dismissed as withdrawn with the liberty to the petitioner as sought for. No costs.

sd/
ASSISTANT REGISTRAR (CS-VI)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

AP

To

1.The Superintendent Engineer
Tamilnadu Electricity Board,
Sekkadu, Chennai 600 072.

2.The Executive Engineer
Tamil Nadu Electricity Board
Sekkadu, Chennai 600072.

3.The Assistant Engineer
Tamil Nadu Electricity Board
Sekkadu, Chennai 600072.

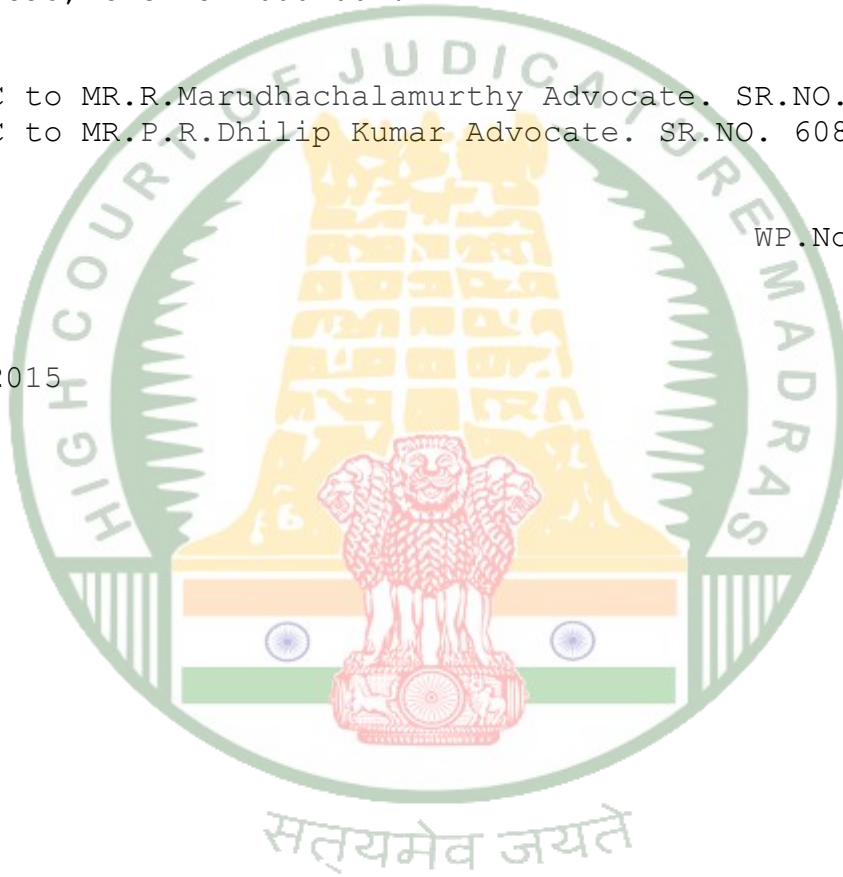
4.The Chairman
Tamil Nadu Electricity Board, Anna Salai
Mount Road, Chennai 600 002.

+1 CC to MR.R.Marudhachalamurthy Advocate. SR.NO. 61488

+1 CC to MR.P.R.Dhilip Kumar Advocate. SR.NO. 60871

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CO-SK
JD 23/11/2015



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