

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2016

CORAM

The Honourable MR. JUSTICE N.KIRUBAKARAN

W.P.No.31088 of 2016

A.Shaik Mohamed Sahubar Ali

... Petitioner

-Vs-

1.The Assistant Engineer
TANGEDCO, Perungudi, Chennai.

2.The Chairman,
TANGEDCO,
No.144, Anna Salai,
Chennai-600 002.

... Respondents

Writ Petition No.31088 of 2016 filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the 2nd respondent to consider petitioner's representation dated 24.08.2016.

For Petitioner : Mr.C.V.Kumar

For Respondents : Mr.S.K.Rameshuwar, TNEB

ORDER

Mr.S.K.Rameshuwar, learned standing counsel takes notice on behalf of the respondents and with their consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come before this Court seeking a writ of mandamus to direct the 2nd respondent to consider his representation dated 24.08.2016, which has been given requesting the 1st and 2nd respondents not to give electricity connection to one S.Selvi, who is said to have obtained electricity connection showing the petitioner's property as her address.

3. The petitioner contents that he is the owner of the property, having purchased the same by a sale deed dated 30.03.2012. The petitioner already got electricity connection in service No.375-001-673, about three years ago and he has been enjoying the property. However a third party namely one S.Selvi, showing the petitioner's property got electricity

connection and therefore the petitioner has given a representation dated 24.08.2016 requesting the respondents 1 and 2 not to give electricity connection to the said Selvi. Since there was no response, the present writ petition has been filed.

4. Heard the learned counsel on either side and perused the materials on record.

5. It is known to the petitioner even at the time of purchasing the property, there is a small constructed portion occupied allegedly by a watchman. Though the petitioner characterizes the said person as a watchman, it is not known as to whether the 3rd party is claiming the property of his own or he is a watchman as claimed by the petitioner. If the said person is the watchman, the petitioner should have produced some document to show that the 3rd party is the watchman either on his own or from his vendor. No such document has been produced. Therefore, the petitioner has not proved the fact that the person who has occupied the small superstructure in the petitioner's property is the watchman. If at all the petitioner is aggrieved with regard to the occupation of the small constructed portion in his premises and also getting electricity service connection to his property by the said 3rd party, the appropriate remedy is only to approach the Civil Court and not by way of giving representation to the respondents and coming to this Court seeking disposal of the same thereby getting an order from this Court in an indirect way. The act of the petitioner is to be discouraged by this Court. Therefore this Court is of the view that the writ petition is liable to be dismissed as the same is not maintainable.

6. In view of the same, this writ petition is dismissed. However, liberty is given to the petitioner to take appropriate proceedings before the appropriate forum to evict the person who is in occupation.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

+1cc to Mr.Lavanya, Advocate, S.R.No.50757

+1cc to Mr.S.K.Rameshuwar, Advocate, S.R.No.51210

W.P.No.31088 of 2016

MP1 (CO)

CA(12/09/2016)

<https://hcservices.ecourts.gov.in/hcservices/>