

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.8745 of 2016 and W.M.P. No.7740 of 2016

K. Karmegam

Petitioner

Vs.

1 The Superintending Engineer
Production Circle
Kunda, The Nilgiris

2 The Assistant Executive Engineer - Civil
TANGEDCO, Glenmorgan
The Nilgiris

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari, calling for the records relating to the order dated 27.01.2016 of the second respondent herein in Letter No.AEE/K/GLEN/KO-LAND/Aa.No.04/16 and quash the same.

For petitioner Mrs. Al. Gandhimathi

For respondents Mr. S.K. Rameshwar
Standing Counsel

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. S.K. Rameshwar, learned Standing Counsel, accepts notice for the respondents/Electricity Board.

2 This writ petition is filed challenging the letter dated 27 January 2016 addressed by the second respondent, whereby and whereunder, the petitioner has been directed to vacate the shop in question and hand over the same to the Electricity Board within a period of three days, on the ground that she is an encroacher of the said land belonging to the Electricity Board.

3 The dispute involved herein is qua ownership of S.No.910/1, 910/3 and 872/3. According to the respondents/Electricity Board, the land in question belongs to the Electricity Board. But, according to the petitioner, the land belongs to her and she has leased out the same to the present occupier.

4 Having regard to the disputed questions of facts involved herein qua ownership of the property in question, the proper forum to adjudicate the issue is only the Civil Court, wherein, the relief of declaration of title can be sought. Thus, we are not inclined to entertain this writ petition. However, liberty is reserved to the parties to take recourse to the appropriate Civil Court.

Resultantly, the writ petition stands dismissed with the above observation. Costs made easy. Connected W.M.P. is closed.

cad

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1 The Superintending Engineer
Production Circle
Kunda, The Nilgiris

2 The Assistant Executive Engineer - Civil
TANGEDCO, Glenmorgan, The Nilgiris

+ 1 cc to Mr.S.K.Raameshuwar, Advocate, SR 15527

+ 1 cc to M/s.AL.Ganthimathi, Advocate, SR 15459

ad(co)
prk22/3

W.P. No.8745 of 2016

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