

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2017

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

WRIT PETITION NO.10017 of 2017
and
W.M.P.No.11024 of 2017

R.Prakash

...Petitioner

Vs.

1.The Chairman,
TANGEDCO,
Annasalai,
Chennai-600 006.

2.The Assistant Engineer
Office of the Assistant Engineer,
TANGEDCO, Pallikaranai,
Chennai-600 100.

3.N.A.Mohideen Kapoor, ...Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to disconnect the existing service connection bearing 312-114-699, stands in the name of the 3rd Respondent in respect of property bearing D.No.9, Nehru Street, Thanthai Periyar Nagar, Pallikaranai, Chennai-600 100.

For Petitioner : M/s.K.Venkateswaran

For Respondents : Mr.S.K.Rameshwar for R1 and R2

O R D E R

Heard Mr.K.Venkateswaran, learned counsel appearing for the petitioner and Mr.S.K.Rameshwar, learned counsel appearing for the respondents 1 and 2.

2.Claiming ownership of the property, the petitioner made a representation that the third respondent has obtained service connection without title and without having possession. Seeking adjudication on the same, the present writ petition has been filed.

3.It is a case where both the petitioner and the third respondent are claiming title and both are also claiming possession of the property. A mere service connection per se will not be a sole factor to establish possession nor it gives title. Therefore, this Court cannot adjudicate the issue which the petitioner seeks which is inter se title dispute between the petitioner on the one side and the third respondent on the other which can only be done through the jurisdictional civil Court.

4.Accordingly, the writ petition is dismissed with liberty to the petitioner to approach the jurisdictional civil Court, if so advised. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

cse

To

1.The Chairman,
TANGEDCO,
Annasalai,
Chennai-600 006.

2.The Assistant Engineer
Office of the Assistant Engineer,
TANGEDCO, Pallikaranai,
Chennai-600 100.

+lcc to Mr.K.Venkatsawaran, Advocate, S.R.No.24765

+lcc to Mr.S.K.Rameshuwar, Advocate, S.R.No.24534

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PA (CO)

RS (09/05/2017)