

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2018

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.19474 of 2017

Guna Sundari

..Petitioner

Vs.

1. The State, Rep.by  
The Joint Engineer,  
Tamilnadu Electricity Board,  
G.S.T.Road, West Guduvanchery,  
Chennai.

2.S.Krishnamurthy  
(R2-impleaded as per order dated  
20.11.2017 in W.M.P.No.21782 of 2017  
in W.P.No.19474 of 2017)

..Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondent to restore Electricity pertaining to Electricity Connection No.568-021-1492 based on the petitioner representation dated 07.03.2017 in accordance with law.

For Petitioner : Mr.S.John J.Raja Singh

For Respondents : Mr.S.K.Raameshwar, standing counsel for R1  
Mr.K.S.Arumugam for R2

O R D E R

The relief sought for in this writ petition is for a direction to direct the Respondent to restore Electricity pertaining to Electricity Connection No.568-021-1492 based on the petitioner representation dated 07.03.2017.

2.The learned counsel appearing on behalf of the writ petitioner made a contention that the writ petitioner is an elderly women, aged about 57 years and residing in the property, claiming ownership in respect of the property. So also, the learned counsel appearing on behalf of the writ petitioner states the 2<sup>nd</sup> respondent is the owner of the property and the writ petitioner was a tenant for some time and thereafter, she was evicted from the premises.

3.The learned counsel for the 2<sup>nd</sup> respondent states that the property is in their possession and enjoyment. Contrarily, the learned counsel for the writ petitioner states that the petitioner is residing in the very same house even now.

4.This Court is of an opinion that such complex facts and circumstances can never be adjudicated in a writ jurisdiction under Article 226 of the Constitution of India. In the event of any dispute in respect of title, ownership or possession, the same is to be adjudicated only before the competent Civil Court by the respective parties and can never be adjudicated in a writ jurisdiction.

5.However, the relief in the present writ petition on hand is to restore the Electricity Service connection. In this regard, the learned counsel appearing on behalf of the Electricity Board submitted the original file in relation to the Field Inspection conducted by the Assistant Engineer, Tamil Nadu Electricity Board, Guduvanchery West. The Assistant Engineer concerned conducted a Field Inspection and submitted a report in proceedings dated 29.07.2017. As per the report, the property in question is the house in dilapidated condition and in order to renovate the house, an application was submitted to disconnect the Electricity Connection. It is recorded by the Assistant Engineer that nobody is residing in the said property and accordingly, disconnected the Electricity service connection.

6.This Court has to consider the Field Inspection report filed by the Assistant Engineer, Tamil Nadu Electricity Board for the purpose of deciding the present writ petition on hand. When the Assistant Engineer made a finding that nobody is residing in the property and accordingly, he disconnected Electricity service connection, it is left open to the respective parties to adjudicate their grievances in respect of the title, ownership or possession before the competent Civil Court of law and such disputes raised between the petitioner and the 2<sup>nd</sup> respondent can never be entertained in the present writ petition. Already the civil litigations are pending between the parties and therefore, it is left open to them to redress their grievances in the manner known to law.

7.Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-  
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

The Joint Engineer,  
Tamilnadu Electricity Board,  
G.S.T.Road,  
West Guduvanchery,  
Chennai.

+1cc to Mr.S.John J.Raja Singh, Advocate, S.R.No. 58677.

+1cc to Mr.K.S.Arumugam, Advocate, S.R.No.58585

W.P.No.19474 of 2017

SS(co)

rrs 11/09/2018.



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