

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2018

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.25134 of 2016

K.Girija Ammal

.. Petitioner

Vs

1. Executive Engineer (O&M),
Mylapore Revenue,
Branch (T.N.E.) Board,
No.97, Dr.M.G.R.Salai,
Nungambakkam,
Chennai - 34.

2.Anandakumari
3.Kalyani
4.Premakumari
5.Sarala
6.C.Vasanthakumari
7.Manjula
8.S.Mythili
9.J.Rajagopal

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the respondent to dispose of the petitioner's representation dated 02.05.2016 by a common order by the respondent and restore the E.B. Connection to the petitioner's premises No.198, Venkatachala Mudali Street, Royapettah, Chennai-14.

For petitioner : Mrs.Girija Ammal P-in-P.

For R1 : Mr.P.R.Dhilipkumar,
Standing Counsel.

For R2 : Mr.P.Jagadeesan.

For R3 to R9 : No Appearance.

O R D E R

The petitioner has filed this writ petition seeking for issuance of a writ of mandamus to direct the respondent/Executive Engineer (O&M), Nungambakkam, Chennai, to dispose of her representation dated 02.05.2016, requesting to restore the Electricity connection in her house situated at No.198, Venkatachala Mudali Street, Royapettah, Chennai.

2. Heard both sides.

3. The petitioner, who is appearing as party-in-person, has averred in the affidavit filed in support of the writ petition that the above said house property was purchased by her father in the year 1964 for a sale consideration of Rs.2,000/- and thereafter, on the demise of her father in the year 2006, the said property was devolved in the name of her mother, who, in the year 1994, made a Will bequeathing the said property in favour of her, by registering a Will on 24.11.1999 on the file of the Sub Registrar Office, Mylapore. Since her mother also died on 08.12.2015, the petitioner has been in continuous possession of the said property by virtue of the said Will. In view thereof, the petitioner has moved an application dated 02.05.2016 requesting the respondent to restore the electricity connection, as the electricity connection was disconnected during the life time of her mother in the year 2013 due to some tenancy issue. However, till date, the said application has not been considered by the first respondent.

4. A detailed counter affidavit has been filed by the second respondent/Mrs.Anandakumar, who was impleaded by this Court in its order dated 27.03.2017. It is stated in the counter affidavit that the petitioner is in no way connected to the house property situated at No.198, V.M. Street, Royapettah, Chennai. Secondly, a suit was filed in O.S.No.8137 of 1995 on the file of VII Asst. City Civil Court, Chennai, against Baby Ammal and Janarathanan, who are parents of the petitioner, seeking for specific performance of the sale agreement dated 07.01.1994 entered by her parents in respect of the above stated property. The said suit was decreed in favour of the second respondent by the Civil Court in O.S.No.8137 of 1995, dated 14.10.1996. Subsequently, she had also filed an Execution Petition in E.P.No.243 of 1999 and thereby, through the Court, sale deed dated 09.11.2000 was executed in her favour bearing Document No.2569 of 2000 on the file of the Sub Registrar Office, Mylapore. It is further stated that from the date of the sale deed, the second respondent has been in continuous possession and enjoyment of the above said house property and she had also changed the patta in her name by approaching the revenue authorities. Subsequently, she had also let out a portion of the building to tenancy, therefore, the petitioner has no legal right to move an application requesting to effect the electricity connection in the above said house property.

5. A mere perusal of the sale deed dated 09.11.2000 bearing Document No.2569 of 2009 registered on the file of the Sub Registrar Office, Mylapore, clearly shows that the property in question was the subject matter of O.S.No.9576 of 1981 on the file of the City Civil Court, Chennai, and subsequently, it has become the subject matter of A.S.No.980 of 1978 on the file of

this Court. The said suit was filed by the Vendors, namely, R.Janarthanam and J.Babyammal, who are parents of the petitioner, against (1) Pushpavalli (2) Rajambal (3) Yashoda, for declaration of ownership of the said property. It is also further stated in the said sale deed that a judgment and decree was passed in favour of the vendors on 25.03.1983 and 16.12.1982. Subsequently, the second respondent had filed a suit in O.S.No.8137 of 1995 seeking specific performance of the sale agreement dated 07.01.1994 entered by her parents with the second respondent. The said suit was decreed in favour of the second respondent on 14.10.1996 and thereafter, through the Court, the above stated property was registered in favour of the second respondent on the file of the Sub Registrar Office, Mylapore, bearing Document No.2569 of 2000, dated 09.11.2000. From the date of the registration of the sale deed, the second respondent has been in continuous and peaceful possession of the property in question.

6. Thus, from the sale deed dated 09.11.2000, it is very clear that the petitioner cannot claim any right over the property in question, hence, the writ petition filed by her is not legally maintainable and accordingly, it is dismissed. No Costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

To

1. Executive Engineer (O&M),
Mylapore Revenue,
Branch (T.N.E.) Board,
No.97, Dr.M.G.R.Salai,
Nungambakkam,
Chennai - 34.

+lcc to Mr.K.Girija Ammal, Party in Person, Advocate, S.R.No.45894
+lcc to Mr.P.Jagadeesan, Advocate, S.R.No.45998.

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BM 25/07/2018