

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2018

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.19868 of 2018

V.G.Thirumalai

.. Petitioner

Vs.

1.The Junior Engineer,
Tamil Nadu Electricity Board,
Alagesan Nagar, Urban South,
Chengalpattu, Kancheepuram District.

2.The Assistant Engineer,
Tamil Nadu Electricity Board,
Alagesan Nagar, Urban South,
Chengalpattu, Kancheepuram District.

3.The Superintendent Engineer,
Tamil Nadu Electricity Board,
GST Road, Chengalpattu,
Kancheepuram District.

4.The Chief Vigilance Officer (ADGP),
Tamil Nadu Electricity Board,
Annasalai, Chennai - 600 002.

5.V.K.Tamilmani

... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents 1 to 4 to dispose of the petitioner's representation dated 21.07.2018 and direct them to disconnect the electricity connection 0951 3009 2411 obtained by the 5th respondent by forged records.

For Petitioner : Mr.M.Babu Muthu Meeran

For Respondents: Mr.S.K.Raameshuwar,

Standing Counsel (R1 to R4)

O R D E R

The petitioner claims to be the owner of the land covered in Survey No.24/01, bearing Patta No.70, measuring an extent of 0.90.0 hectares (i.e.) 2.22 acres at Vedhanarayanapuram Village, Chengalpet Taluk, Kancheepuram District, by virtue of the settlement made by his wife in his favour bearing Doc.No.712 of

2010 dated 29.04.2010, which was originally in her name vide registered Sale Deed bearing Doc.No. 845 of 2000 dated 13.09.2000.

2. Whiles, one Kathirvel and his sons, K. Tamilmani, who is the 5th respondent, K. Parthasarathy and K. Padmanabhan entered into criminal conspiracy and had committed fraud, cheating and grabbed the land to an extent of 2.22 acres. Since the said Kathirvel impersonated as Kathirvelu alias Sivaprakasam, son of Muthan alias Raji, had executed a Settlement Deed in favour of his sons as if the land belongs to Kathirvel. With the help of the forged documents, they grabbed the entire land by creating a forged Settlement Deed dated 07.11.2008 before the SRO, Chengalpattu, registered as Doc.No.1817 of 2008 and a Rectification Deed executed on 02.12.2008. The petitioner lodged a complaint before the Inspector of Police, District Crime Branch, Kancheepuram. Based on the said complaint, a case in Crime No.19 of 2010 was registered under Sections 120 (b), 465, 468, 471 and 420 IPC against the said Kathirvel, Tamilmani and 2 others.

3. The learned counsel for the petitioner submitted that after investigation, the Inspector of Police had filed a final report before the Judicial Magistrate No.II, Chengalpattu under Sections 120 (b), 465, 468, 471 and 420 IPC and the same was been taken on file in C.C.No.38 of 2015. Aggrieved by the final report, Tamilmani, the 5th respondent herein, had filed a petition in CrI.O.P.no.13607 of 2015 before this Court to quash the report and this Court, by order dated 03.07.2015 dismissed the quash petition.

4. Thereafter, the petitioner also filed a complaint of land grabbing and forgery before the Superintendent of Police, which was also registered as Crime No.10 of 2017. In the meanwhile, electricity service connection has been obtained by the 5th respondent, against which the petitioner had also given a representation on 21.07.2018. As the said representation is not yet disposed of, the petitioner has come to this Court seeking a direction to the respondents 1 to 4 to dispose of his representation.

5. The learned Standing Counsel appearing for the respondents 1 to 4 sought sufficient time to consider the representation of the petitioner and to dispose of the same, after issuing notice to the 5th respondent.

6. Considering the limited prayer, this Court directs the 2nd respondent to consider the representation of the petitioner dated 21.07.2018, after issuing notice to the 5th respondent, on the basis of the order dated 03.07.2015 made in CrI.O.P.No.13607

of 2015 and order dated 21.06.2018 made in Crl.O.P.No.951 of 2018, wherein a prima facie conclusion has been reached that the property in question originally belongs to Nindumathy and that Kathirvel and his sons created fabricated document to take possession. The said exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

7.With the above direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Junior Engineer,
Tamil Nadu Electricity Board,
Alagesan Nagar, Urban South,
Chengalpattu, Kancheepuram District.
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GST Road, Chengalpattu,
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- 4.The Chief Vigilance Officer (ADGP),
Tamil Nadu Electricity Board,
Annasalai, Chennai - 600 002.

+1cc to Mr.S.K.RAMESHUWAR, Advocate, S.R.No.52941
+1cc to Mr.M.BABU MUTHUMEERAN, Advocate, S.R.No.52748

W.P.No.19868 of 2018

SVN(CO)
TR(23/08/2018)