

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.6.2019

CORAM

THE HONOURABLE DR.JUSTICE VINEET KOTHARI
AND
THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.A.No.2059 of 2013

D.Baskaran Appellant/3rd Respondent

Versus

1. N.Santhakumari Respondent/Petitioner

2. The Assistant Engineer,
Tamil Nadu Electricity Board/O&M
Chennai Electricity Distribution Circle/South,
Siruseri, Madras 601 103.

3. The President,
Navalur Village Panchayat,
Chengalpet Taluk,
Kancheepuram District.
Pin: 603 103.

Respondents/1st & 2nd Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent against the order of this court dated 13.2.2013 in W.P.No.30017 of 2012.

Prayer in W.P.No.30017 of 2012 : Petition filed seeking for a writ of certiorarified mandamus, to call for the records of the first respondent herien in his proceedings Ka.No. Vu.Mi.Po/ E & Pa/ Siru/ Kho.Khoppu/ A.No.88/2012 dated 8.10.2012 affixed on the door of the abovesaid address on 12.10.2012 and quash the same and further direct the 1st respondent herein to provide/ restore Domestic Electricity Connection No.296-001-1800 to the petitioner residence bearing No.1/237 Bajanai Koil Street Navlur Chennai-603 103 on permanent basis till partition is effected in the petitioner family.

For appellant : Mr.S.Thirumavalavan

For Respondents : No appearance.

JUDGMENT

(Judgment of the court was made by Dr.VINEET KOTHARI, J.)

The present Appeal has been filed by D.Baskaran, son of late D.Dakshinamurthy, aggrieved by the order dated 13.2.2013 passed by the learned Single Judge in W.P.No.30017 of 2012 filed by Smt.N.Santhakumari, sister of the present appellant D.Baskaran, by which the learned Single Judge directed the Respondent Tamil Nadu Electricity Board to grant power connection in favour of the petitioner Smt.N.Santhakumari, however, made an observation that it would not entitle her to make any claim of title over the property on question on the basis of electricity service connection provided by the Tamil Nadu Electricity Board.

2. The relevant portion of the order passed by the learned Single Judge is quoted below for ready reference:-

"5. However, it is made clear that the grant of electricity service connection to the premises of the petitioner, by the respondent Tamil Nadu Electricity Board, shall not, in any way, vest any additional right of interest in the petitioner, in respect of the property in question. Further, it would not be open to the petitioner to claim that she had established her title, in respect of the property concerned, by obtaining the electricity service connection from the respondent Tamil Nadu Electricity Board."

3. Having heard the learned counsel for the appellant, D.Baskaran, we find that no interference in the said order is called for since the Authorities of Tamil Nadu Electricity Board cannot decide the veracity of title and the dispute of title over the property in question between the parties. In such circumstances, the learned Single Judge, in our opinion, has rightly left it open to the parties to establish their respective title over the property by filing civil suits in the civil courts.

4. We do not find any illegality in the observation made by the learned Single Judge while directing for provision of power connection on the basis of the application made by the petitioner. The writ appeal is disposed of accordingly, with a liberty to the appellant to seek his legal remedy in accordance with law with regard to title and possession of the property in question. No costs.

Sd/-

Assistant Registrar(Insp.cell)

//True copy//

Sub Assistant Registrar

ssk.

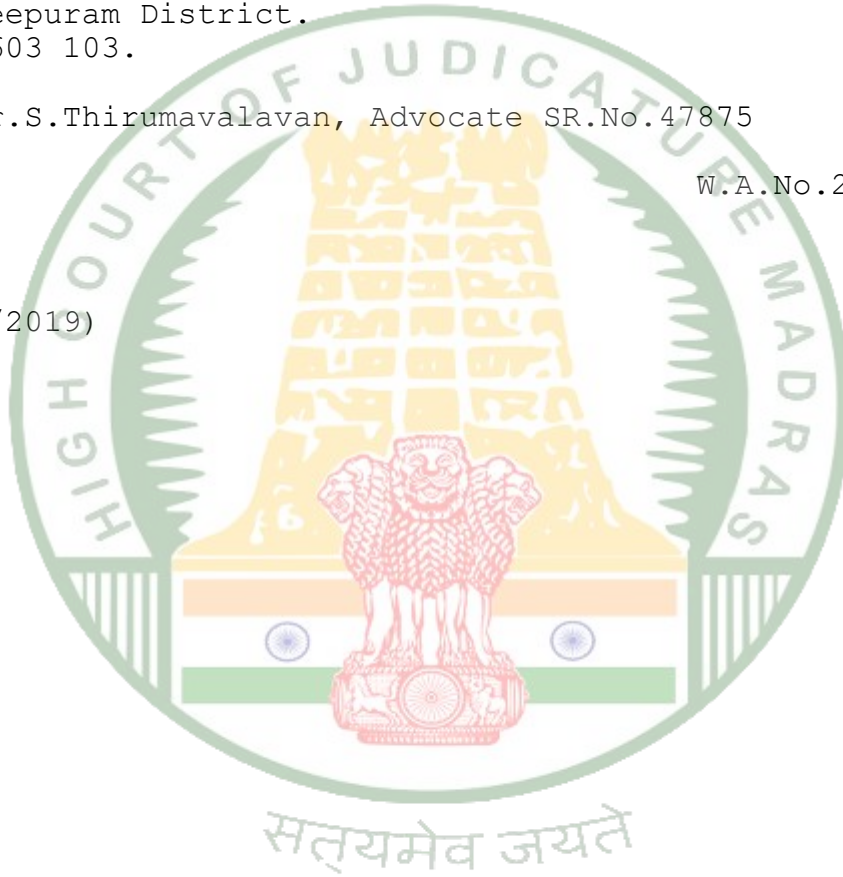
To:

1. The Assistant Engineer,
Tamil Nadu Electricity Board/O&M
Chennai Electricity Distribution Circle/South,
Siruseri, Madras 601 103.
2. The President,
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Chengalpet Taluk,
Kancheepuram District.
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+1cc to Mr.S.Thirumavalavan, Advocate SR.No.47875

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VBA (CO)
GMY (12/07/2019)



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