

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.06.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.23909 of 2008

M.Venkataraman

..Petitioner

vs

1. The Divisional Engineer,
Tamilnadu Electricity Board,
Vempakkam, Ponneri,
Tiruvallur District.

2. The Assistant Engineer,
Tamilnadu Electricity Board,
Elavoor,
Gummidipoondi Taluk,
Tiruvallur District.

3. MuraliKrishnan @ M.G.Murali

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ order or direction in the nature of writ of Mandamus, forbearing the Respondents 1 & 2 from in any manner disconnecting the petitioner Electricity Service connection No. in 96-36-32 in Door No. 330, Eguvarpalayam Road, Pettikuppam Village, Thervazhi Post, Gummidipoondi Taluk, Thiruvallur District.

For Petitioner : Mr.V.Babu

For Respondents : Mr.P.R.Dhilipkumar (TNEB)
for R1 & R2

O R D E R

The prayer sought for herein in this Writ Petition is for issuance of a Writ of Mandamus, forbearing the respondents 1 & 2 from disconnecting the petitioner's Electricity Service connection No. in 96-36-32 in Door No. 330, Eguvarpalayam Road, Pettikuppam Village, Thervazhi Post, Gummidipoondi Taluk, Thiruvallur District.

2. The case of the petitioner is that one Adhiammal and others owned an extent of 1.50 acres of Agricultural land in Janakirama chetty Chatram Village in S.No. 163 and they sold an extent of 70 cents to the petitioner's father on 23.05.1959 and another extent of 66 cents was sold to the petitioner's Aunt Muniammal (father's sister) on 23.05.1959 i.e., on the same day. In addition to the 70 cents purchased by the petitioner's father, he had also annexed 14 cents of the adjacent lands. Therefore, totally the petitioner's father was in possession and enjoyment of 84 cents in the above S.No. 163. Subsequently, the petitioner's father had alienated an extent of 20 cents to one Seethammal on 05.01.1983 and another 20 cents to one Chinnammal on 04.06.1983 out of the 84 cents. After the above conveyances, his father was in possession and enjoyment of the remaining 44 cents and he died in the year 1993. Thereafter, the petitioner inherited the property and got Electricity Service Connection in his name.

3. The learned counsel appearing for the petitioner would submit that the 3rd respondent and few others have tried to dispossess the petitioner and his family from the above said land and residential house. Therefore, the petitioner and his family members filed O.S.No. 301 of 2006 seeking for a relief of permanent injunction restraining the 3rd respondent herein and others from, in any manner, trespassing and interfering with the peaceful possession and enjoyment of the property in question.

4. The petitioner has also made several representations to the Electricity Board to desist the respondents 1 and 2 from disconnecting the Electricity connection. However, the respondents 1 and 2 after receipt of the representations of the petitioner have not sent any communication to the petitioner. The respondents 1 and 2 have also sent their men to disconnect the Electricity supply without any legal basis. Hence, the petitioner filed the present writ petition with the above said prayer.

5. The learned counsel appearing for the Tamil Nadu Electricity Board on instructions would submit that the petitioner's apprehension is unnecessary and Electricity Board has no intention to disconnect the electricity connection in the petitioner's residence.

6. In view of the above submission, no further order is required. However, if any dispute arises, the petitioner is at liberty to workout the necessary remedy.

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

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

kmm

To

1. The Divisional Engineer,
Tamilnadu Electricity Board,
Vempakkam, Ponneri,
Tiruvallur District.

2. The Assistant Engineer,
Tamilnadu Electricity Board,
Elavoor,
Gummidipoondi Taluk,
Tiruvallur District.

+1 CC to Mr.V.Babu, Advocate sr 47004.

+1 CC to Mr.P.R.Dhilipkumar, Advocate sr 46694.

W.P.No.23909 of 2008

NRL (CO)
SP(22/07/2019)

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