



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.07.2019

Coram::

The Honourable Dr.Justice G.Jayachandran

W.P.No.5308 of 2019
& W.M.P.No.6025 of 2019

1. Mrs.E.Kanniammal,
W/o. Elumalai Naicker,
2. Mr.E.Kothandaraman,
S/o.Elumalai Naicker,
3. Mr.E.Ganapathy,
S/o. Elumalai Naicker,
4. Mr.E.Vikraman,
S/o.Elumalai Naicker,
5. Mr.E.Ganesh,
S/o.Elumalai Naicker,

All are residing at No.85,
Azhagu Samuthiram Village,
Thirukkalukundram Taluk,
Kanchipuram District.

... Petitioners

/versus/

1. The Superintending Engineer,
TANGEDCO, Anna Maligai,
Vellore Road,
Kanchipuram - 631 502.
2. The Executive Engineer,
O/o.The Superintending Engineer,
TANGEDCO, Anna Maligai,
Vellore Road, Kanchipuram - 631 502.
3. The Divisional Engineer,
TANGEDCO,
Chengalpattu, Kanchipuram District.
4. The Assistant Engineer,
TANGEDCO, Nemmeli,
Thirukkalukundram Taluk.
5. P.K.Chandran,
S/o. Kanniappan,
No.24, Palayanoor Village,
Maduranthagam Taluk,
Kanchipuram District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue Writ of Mandamus, to direct the 4th respondent to reconnect electricity connection bearing No.30, situated at Thunjam Village, Thirukkalukundram Taluk, Kanchipuram District, which was disconnected by him.

For Petitioner : Mr.G.K.Sekar

For R1 to R4 : Mr.S.K.Rameshwar, Standing Counsel

For R5 : Mr.P.G.Padmanabhan

ORDER

Heard the Learned Counsel for the Petitioner and the Learned Counsel for the Respondents.

2. The case of the petitioner is that, they entered into a Power of Attorney deed with one P.K.Chandran in respect of their property on 28.05.2007, since P.K.Chandran did not honour his commitments. The said Power of Attorney deed was cancelled on 01.03.2011 meanwhile, based on forged documents, S.S.Foundation the purchaser of the petitioner's property. Based on the forged documents executed by Mr.P.K.Chandran has requested the respondents 1 to 4 to disconnect the Electricity service connection and accordingly the Electricity Service Connection has been disconnected.

3. The petitioner herein has caused notice to the respondents 1 to 4, to restore the Electricity service connection. Since there was no positive response from the respondents 1 to 4, the present Writ Petition is filed, seeking mandamus directing 4th respondent herein to reconnect the Electricity Service Connection.

4. According to the learned counsel appearing for the petitioner, based upon the Power of Attorney document, which P.K.Chandran has sold the property to S.S Foundation itself is a fabricated document and after cancellation of Power of Attorney deed, the respondents 1 to 4 ought have considered the representation and restore the Electricity service connection. Whereas, from the counter filed by the 4th respondent, this Court finds that the petitioner herein has executed a General Power Attorney in favour of P.K.Chandran on 28.05.2007, who in turn has sold the property to S.S Foundation as early as 30.06.2007. Thereafter, as a title holder of the said property, they requested the Electricity Board to disconnect the Electricity service connection. Accordingly, the respondent has disconnected the Electricity service connection, which was in the name of the erstwhile owner. It is also brought to the notice of this Court that S.S. Foundation has filed a suit for injunction against this

petitioner and their Power Agent P.K.Chandran had obtained an exparte injunction decree.

5. In the said circumstances, if the petitioner claim that he is still in possession and it is opened to him to appeal against the exparte decree or get it set aside. If he is aggrieved by any act of forgery committed by either P.K.Chandran or S.S.Foundation, it is for him to initiate criminal prosecution. All these incidents has taken place as early as 2007, nearly 12 years ago.

6. Now the petitioner claims that the Power of Attorney executed by him in favour of P.K.Chandran is forged document. Having executed a deed of General Power of Attorney in the year 2007, which has been cancelled only in the year 2011, meanwhile P.K.Chandran has acted on behalf of the petitioner's as their Power Agent and sold the property to S.S.Foundation, even before the cancellation of Power of Attorney deed on 01.03.2011. In the said circumstances, the respondents 1 to 4 who are Officials of TANGEDCO has no say. The disputes both Civil and Criminal between the petitioner and the 5th respondent has to be sought out elsewhere and not before this Court under Article 226 of the Constitution.

7. Hence, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

सत्यमेव जयते

bsm

To,

1. The Superintending Engineer,
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Vellore Road,
Kanchipuram - 631 502.
2. The Executive Engineer,
O/o.The Superintending Engineer,
TANGEDCO, Anna Maligai,
Vellore Road, Kanchipuram - 631 502.
3. The Divisional Engineer,
TANGEDCO, Chengalpattu, Kanchipuram District.

4. The Assistant Engineer,
TANGEDCO, Nemmeli,
Thirukkalukundram Taluk.

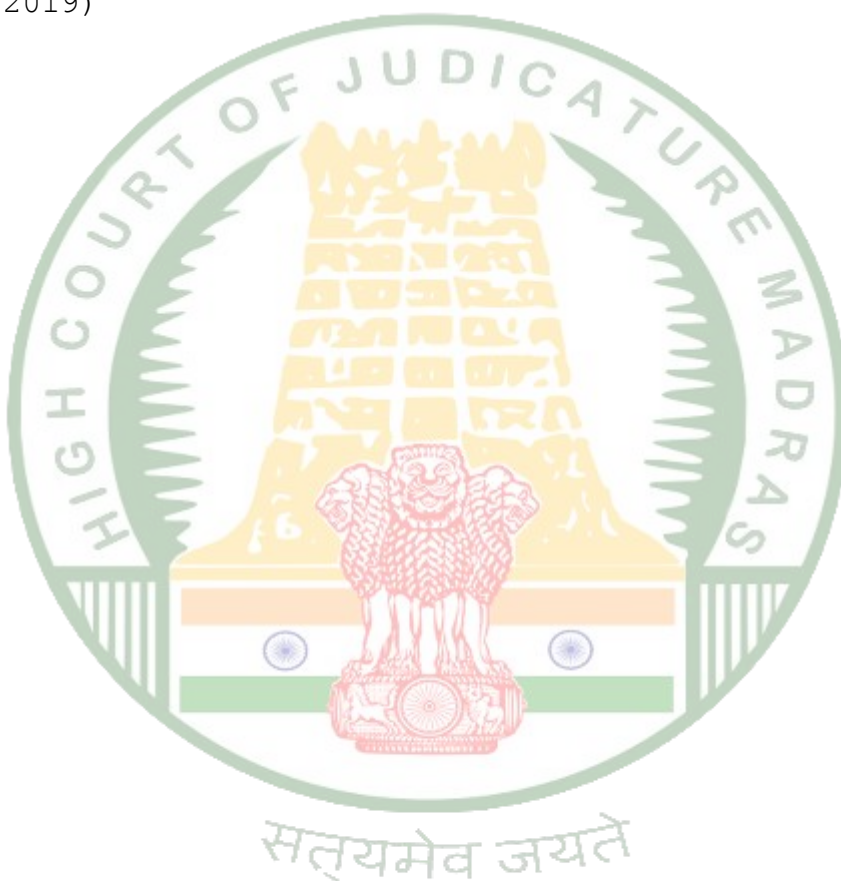
+1cc to Mr.P.G.Padmanabhan , Advocate SR.No. 58709

+1cc to Mr.S.K.Rameshwar , Advocate SR.No. 58876

+2ccs to Mr.G.K.Sekar , Advocate SR.No. 59609

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gp (CO)
A.SK (20/08/2019)



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