

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2019

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Writ Appeal No. 1007 of 2019
&
C.M.P.No.7580 of 2019

V.K.Tamilmani ...Appellant

-vs-

1. The Assistant Engineer, TNEB,
O & M/Rural/South,
Alagesan Nagar, Urban South,
Chengalpattu, Kancheepuram District.
2. The Executive Engineer,
TNEB, Alagesan Nagar, Urban South,
Chengalpattu, Kancheepuram District.
3. The Junior Engineer,
TNEB, Alagesan Nagar, Urban South,
Chengalpattu, Kancheepuram District.
4. The Superintendent Engineer,
TNEB, Alagesan Nagar, Urban South,
Chengalpattu, Kancheepuram District.
5. The Chief Vigilance Officer [ADGP]
TNEB, Anna salai, Chennai - 600 002.
6. V.G.Thirumalai Naicker
7. The Tahsildar,
Chengalpattu ...Respondents

Writ Appeal filed under Clause 15 of Letters Patent against the order of this Court in W.P.No.27200 of 2018 dated 21.01.2019.

Prayer in in W.P.No.27200 of 2018:

Petition under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus call for the records leading to the impugned order dated 09.10.2018 issued by the 1st Respondent and quash the same and consequently directing the Respondents to

restrain from terminating my electricity supply in the land measuring 2.22 Acre comprised in Survey No.74/1 Vetha Narayanapuram Village Malayadi Vembakkam (Via) Chengalpattu Taluk-603 001 Kancheepuram District untill the Civil suit in OS.NO.174 of 2011 is finally decreed by the competent Civil Court.

For appellant : Mr.R.Amizhdhu

For Respondents : Mr.S.K.Rameshwar
Standing Counsel (for R.1 to R.5)
Mr.M.Babu Muthu Meeram (for R.6)
Mrs.R.Janaki (for R.7)
Additional Government Pleader

JUDGMENT

(Judgment of the Court was delivered by T.S.Sivagnanam, J.)

This appeal has been filed by the appellant challenging the order in W.P.No.27200 of 2018 dated 21.01.2019.

2. We have heard Mr.R.Amizhdhu, learned counsel for the appellant and Mr.S.K.Rameshwar, learned Standing Counsel for the first respondent to fifth respondent, Mr.M.Babu Muthu Meeran, learned counsel for sixth respondent and Mrs.R.Janaki, learned Additional Government Pleader for seventh respondent.

3. The said writ petition was filed challenging the communication sent by the first respondent Assistant Engineer, Tamil Nadu Electricity Board dated 09.10.2018 informing the appellant that the documents produced by him do not establish title to the property and therefore, electricity service connection granted will be disconnected within seven days without further notice.

4. The learned writ Court has done extensive exercise to ascertain as to whether the appellant is the lawful owner of the property. There has been criminal proceedings initiated against the appellant by the sixth respondent. Apart from that, there has been a quash petition filed by the appellant before this Court in CrI.O.P.No.915 of 2018. The allegation made by the appellant is that the property in question is "Pancham Land" and could not have been purchased by the sixth respondent as he does not belong to a oppressed or suppressed community. The learned writ Court has suo moto impleaded the Tahsildar, Chengalpattu and called for a report and in the report, it has been mentioned that the classification of the land in Sy.No.74/1, measuring

0.90.0 ares is "Pancham Land" and Patta No.722 has been issued in the name of V.G.Thirumalai S/o.Govindasamy and as per U.D.R "A" Register the land stands in the name of R.Sivapragasam in Patta No.70 in Sy.No.74/1, measuring an extent of 0.90.0 ares classified as Punja land.

5. The allegation against the appellant is that he has impersonated the real land owner. These disputed questions of fact obviously cannot be adjudicated by the Assistant Engineer of Tamil Nadu Housing Board in a writ petition. Therefore, the learned Single Bench was perfectly right in rejecting the prayer sought for. Hence, we find there is absolutely no ground made out for interfering with the order passed by the learned writ Court and accordingly, the writ appeal stands dismissed with a direction to the first respondent to proceed further for disconnection of the electricity in furtherance to, the communication dated 09.10.2018.

6. In the result, the writ appeal is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS vi)

//True Copy//

Sub Assistant Registrar

mrn

To,

The Tahsildar, Chengalpattu.

+1cc to Mr.R.Amizhdhu , Advocate SR.No. 29632

+1cc to Mr.S.K.Rameshwar , Advocate SR.No. 30074

+1cc to Mr. M.Babu Muthu Meeram, Advocate SR.No. 30087

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A.SK(02/05/2019)

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