



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19.08.2019

Coram::

The Honourable Dr.Justice G.Jayachandran

W.P.No.7420 of 2019

J.Rajasekaran,
S/o.S.K.John,
No.29, Main Sekkadu Village,
Kamaraj Nagar Post, Avadi,
Chennai - 600 054.

... Petitioner

Vs.

1. The Divisional Engineer,
Tamil Nadu Electricity Board,
TNGEDCO, Avadi,
Chennai - 600 054.
2. The Assistant Engineer,
Tamil Nadu Electricity Board,
TANGEDCO, Sekkadu East Division,
Pattabiram Sub-Division,
Chennai - 600 072.
3. Govindammal,
No.8, Bajanai Koil Street,
Sekkadu Village,
Chennai - 71.

.... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue Writ of Mandamus, to call for the records in respect of the impugned proceeding Ka.No.Uo.Po/E&Pa/Chak/ANo/39/2018-19, dated 18.07.2018 passed by the 2nd respondent and quash the same and direct the 1st and 2nd respondents to grant temporary Electricity Supply connection to the petitioner's property situated at S.Nos.282 and 286/3, situated at Gopalapuram, Pattabiram, Chennai - 600 072 and pass orders.

For Petitioner : Mr.P.Wesley Issac
For R1 & R2 : Mr.P.R.Dhilip Kumar,
Standing Counsel
For R3 : Mr.K.Harikrishnan

ORDER

Heard the learned Counsel for the petitioner and the Learned Counsel for the Respondents.

2. The petitioner herein was given temporary Electricity Service connection to the property was later deprived of the same and due to some Civil suit pending between the petitioner and the 3rd respondent. In the counter affidavit filed by the 3rd respondent indicates that the petitioner title deed itself is defective and the vendor of the petitioner has executed the sale deed as power agent of Kumarasamy who died even prior to the sale deed.

3. Further, it is contended by the 3rd respondent/Govindammal, that the petitioner has sold out the property to third parties and as of now he has no title. Contrarily, the Learned Counsel appearing for the petitioner would submit that he purchased the property in the year 2014 and enjoying the same, patta is also transferred in his name. The said sale deed is now challenged in the year 2019 by the 3rd respondent rising prevails contention. Without adverting to the merits of their title dispute, this Court directs the respondents to restore the Electricity service connection to the petitioner herein, subject to the condition that the Electricity Service connection will be withdrawn, if the petitioner losses the case in the Civil Court. Pending disposal of the Civil Suit, the petitioner shall be provided with Electricity service connection, undertaking to that effect shall be given by the petitioner herein to the TANGEDCO, on receipt of the undertaking, the Electricity Service connection to be restored.

4. Accordingly, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Divisional Engineer, Tamil Nadu Electricity Board, TANGEDCO, Avadi, Chennai - 600 054.
2. The Assistant Engineer, Tamil Nadu Electricity Board, TANGEDCO, Sekkadu East Division, Pattabiram Sub-Division, Chennai - 600 072.

+1cc to Mr.P.Wesley Isaac, Advocate SR.No.70306
+1cc to Mr.P.R.Dhilipkumar, Advocate SR.No.70553
+1cc to Mr.K.Harikrishnan, Advocate SR.No.71309

AKM /18.09.19 /2P-6C/

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