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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2019

CORAM::

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.21301 of 2019
& W.M.P.No.20517 of 2019

Mrs.P.Anandavalli,
W/o.Perumal Mudaliar,
Residing at Sr.No.61/1, Pathirapuliyur Road,
Palapattu Village, Mailam Panchayat Union,
Tindivanam Taluk, Villupuram District.

... Petitioner

/verus/

1. The Chairman and Managing Director,
Tamil Nadu Generation and Distribution
10th Floor, NPKRR Maaligai,
144, Anna Salai, Chennai - 600 002.
2. The Superintending Engineer,
(Operation and Maintenance)
Tamil Nadu Generation and Distribution
Corporation Limited, Tindivanam,
Villupuram District.
3. The Assistant Executive Engineer,
Operation & Maintenance,
Tamil Nadu Generation and Distribution
Corporation Limited,
Vedur - 605 602, Tindivanam Taluk,
Villupuram District.
4. Mrs.Samundeswari,
W/o.Late Ravichandra Mowli,
Residing at No.48, 5th Main Road,
PIT Nagar, Nandhanam,
Chennai - 600 035.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue Writ of Mandamus, to direct the respondents 1 to 3 herein not to give new electricity service connection to the 4th respondent for the building under the name and style of (1) Arumugam Mudaliar & Visalakshi Memorial Trust, (2) Saibaba Trust and (3) Murali IAS & IPS Academy in measuring an extent of 6.22 Acres of lands comprised in New Survey



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No.61/1, old Survey Nos.57/8 and 57/5 in Palapattu Village, Tindivanam Taluk, Villupuram District.

For Petitioner : Mr.T.Dhanasekaran

For R1 to R3 : Mr.Varun Kumar, Standing Counsel

O R D E R

Heard the Learned Counsel appearing for the Petitioner and the Learned Counsel appearing for the Respondents and the 4th respondent is a private party.

2. The grievance of the petitioner is that, he has given a representation to the respondents 1 to 3, not to give Electricity Service Connection to the 4th respondent for the property in S.No.61/1 (Old S.No.57/8, 57/5) in Palapattu Village, Tindivanam Taluk, Villupuram District. According to the petitioner there is a title dispute between the petitioners and 4th respondent. The power of Attorney alleged to have been executed by Ravichandra Mowli is a forged document and based on the forged document, the 4th respondent is trying to grab the property and the Civil suit is also initiated by the petitioner. Though the trial Court and First Appellate Court has held against them, the Second Appeal preferred by them is pending before this Hon'ble High Court in S.A.No.812 of 2013. Pending disposal of the Second Appeal, this Court has granted stay of the operation of the decree. Further the learned counsel also submits that at the instance of the 4th respondent, the Electricity Service Connection of the petitioner was disconnected by the respondents 1 to 3 against which the petitioner has filed W.P.No.21980 of 2013 and pursuant to the interim order, the service connection has been restored and main Writ Petition is still pending.

3. From the facts submitted by the petitioner through the affidavit and through their counsel, it is clear that there is some title dispute over the property and though the petitioner herein has lost the Civil Suit and the First Appeal, the matter is now seized of by the Hon'ble High Court and pending. Meanwhile apprehending that the 4th respondent may get individual service connection in the property and try to prefect their possession and enjoyment, the present Writ Petition is filed seeking Mandamus to direct the respondents 1 to 3 not to give electricity connection to the 4th respondent for the building in the name and style (1) Arumugam Mudaliar & Visalakshi Memorial Trust, (2) Saibaba Trust and (3) Murali IAS & IPS Academy in measuring an extent of 6.22 Acres of lands comprised in New Survey No.61/1, old Survey Nos.57/8 and 57/5 in



Palapattu Village, Tindivanam Taluk, Villupuram District.

4. The Tamil Nadu Electricity Distribution Code provides for giving electricity connection in case of disputes in this nature. Since it appears that the 4th respondent has succeeded in trial Court and First Appellate Court regarding the title, the enjoyment of the property with proper service connection cannot be prevented on the ground of pendency of Second Appeal. At the same time, the respondents 1 to 3 while considering the request of the 4th respondent for want of Electricity service connection, should take note of other statutory requirements for providing service connection and shall consider their application, if they satisfy all those statutory requirements also. In the light of the Civil dispute pending between the petitioner and the principle of the 4th respondent, the respondents 1 to 3 shall obtain an undertaking from the 4th respondent that the service connection provided will be subject to the outcome of Second Appeal and the 4th respondent or his Principle Lakshmikanthan, shall not take any advantage of the service connection to emphasis or to be taken as a proof of their title over the property. If the respondents 1 to 3 are otherwise satisfied and on execution of undertaking on the above lines, they may consider the request of the 4th respondent for a new service connection.

5. With the above observations, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

bsm

To,

1. The Chairman and Managing Director,
Tamil Nadu Generation and Distribution
Corporation Ltd., 10th Floor, NPKRR Maaligai,
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Corporation Limited,
Vedur - 605 602, Tindivanam Taluk,
Villupuram District.

+1cc to Mr.Varunkumar, Advocate, S.R.No.61511

+1cc to Mr.T.Dhanasekaran, Advocate, S.R.No.62241

W.P.No.21301 of 2019
& W.M.P.No.20517 of 2019

VBA (CO)

RRS (29/08/2019)