

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.16925 of 2018 and
WMP.No.20139 of 2018

M.Chandran

... Petitioner

Vs

1. The Junior Engineer,
Chennai Electricity Distribution Circle,
TNEB, Padianallur,
Chennai-600 052.
2. The Superintending Engineer,
Chennai Electricity Distribution Circle,
TNEB, 110/33KV Thirumangalam,
SS Campus, 1st Floor,
Anna Nagar, Chennai-40.
3. The Tahsildar,
Ponneri.
(R3 suo motu impleaded as per order dated
9.7.2018)

.... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to reinstall the Electricity Connection No.14895858 in the land in S.No.185/3, Padianallur Village by considering the petitioner's representation dated 04.09.2017 within a time frame fixed by this Court.

For Petitioner : Mr.P.Raja
For Respondents : Mr.P.R.Dhilipkumar,
1 and 2 : Standing Counsel
Mr.K.Ravikumar, AGP for R3

O R D E R

Mr.M.Chandran, who has become judgment decree holder in O.S.No.245/1998 dated 20.11.2001 on the file of the learned District Munsif, Ponneri holding him as owner of the suit

property which is a Grama Natham which is subsequently confirmed by the I Appellate Court in A.S.No.25 of 2002 dated 19.02.2003 on the file of the Subordinate Judge, Ponneri which was again reconfirmed finally by this Court in Second Appeal No.1611 of 2003 dated 15.02.2010, has come to this Court seeking to issue a Writ of Mandamus, directing the 1st respondent to reinstall the Electricity Connection No.14895858 in the land in S.No.185/3, Padianallur Village on the basis of the decrees and judgments passed cited supra, within a time frame fixed by this Court.

2. Learned Counsel appearing for the petitioner submitted that by virtue of a Sale Deed dated 01.06.1968, the petitioner has become the absolute owner of the land in question. However, after purchasing 50 cents in S.No.185, Padianallur Village, he sold a portion of the said land to an extent of 25 cents to one Mariappan, who is his own brother under another Registered Sale Deed dated 30.05.1986. Subsequently, pattas were also issued on 19.03.1998 separately. Thereafter, when the petitioner tried to put up a fence around his portion of the land and also the land belongs to his brother Mariappan, some disturbances were raised by some villagers living in Padianallur Village. Therefore, the petitioner along with his brother filed a suit in O.S.No.245 of 1998 on the file of the learned District Munsif, Ponneri against the third parties who are defendants in the said suit seeking a decree for permanent injunction restraining the defendants from in anyway interfering with their peaceful possession and enjoyment of the suit property covered in S.No.185/3 and 185/2.

3. The learned Counsel for the petitioner further submitted that the suit in O.S.No.245/1998 was decreed giving a categorical finding in favour of the petitioner holding that the trial court on the basis of the evidence produced by both parties considering the acceptable and evidence produced by the plaintiffs therein, has come to a conclusion that since the property is admitted as a Grama Nathan, the occupier of the Grama Natham alone is the owner of the property and therefore, the defendants having not produced any documents to show that they are in possession of the land-in-question and that they have title over the suit property, they cannot claim any right thereof. The said findings were accepted by the learned Subordinate Judge, Ponneri in A.S.No.25/2002 dated 19.02.2003. Again when the defendants took the matter to this Court by way of filing Second Appeal No.1611 of 2003, this Court also considering the findings given by the both courts below dismissed the Second Appeal by judgment and decree dated 15.2.2010 confirming the decrees passed by the courts below. Therefore, when the petitioner is the absolute owner of the property-in-dispute on the basis of the judgements and decrees of the courts below, namely, before the trial court, namely, District Munsif, Ponneri, in O.S.No.245/1998 dated 26.11.2001,

the I Appellate Court, namely, Subordinate Judge, Ponneri in A.S.No.25/2002 dated 19.02.2003 and before this Court in S.A.No.1611 of 2003 dated 15.2.2010, the Electricity Department in the guise of entertaining frivolous and bald applications from others cannot overlook or disrespect the judgments and decrees passed by the competent civil courts, that would amount not only disrespect to the court but also overreaching the law declared by this Court. Therefore, a direction be issued to the respondents 1 and 2 to reinstall the Electricity Connection No.14895858 in the land in S.No.185/3, Padianallur Village.

4. No counter affidavit has been filed by the respondents.

5. Heard the parties on both sides.

6. At the outset, it is an admitted case of both parties that the petitioner finding some disturbance and problems created by third parties, have filed a suit in O.S.No. 245/1998 on the file of the District Munsif, Ponneri and succeeded in getting a decree for Permanent injunction dated 26.11.2001 and also succeeded before the I Appellate Court by judgment and decree dated 19.02.2003 and again before this court in the Second Appeal in S.A.No.1611/2003 dated 15.02.2010 and the petitioner thus obtained judgments and decrees in favour of him that he is the owner of the property covered in S.No.185/3, Padianallur Village. Therefore, this Court finds no impediment to direct the respondents 1 and 2 to reinstall the Electricity Connection No.14895858 in the land in S.No.185/3, Padianallur Village by considering the aforesaid decrees and judgments of the competent courts and also considering the petitioner's representation dated 04.09.2017, within a period of two weeks from the date of receipt of a copy of this Order, on payment of necessary charges.

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

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

tsi

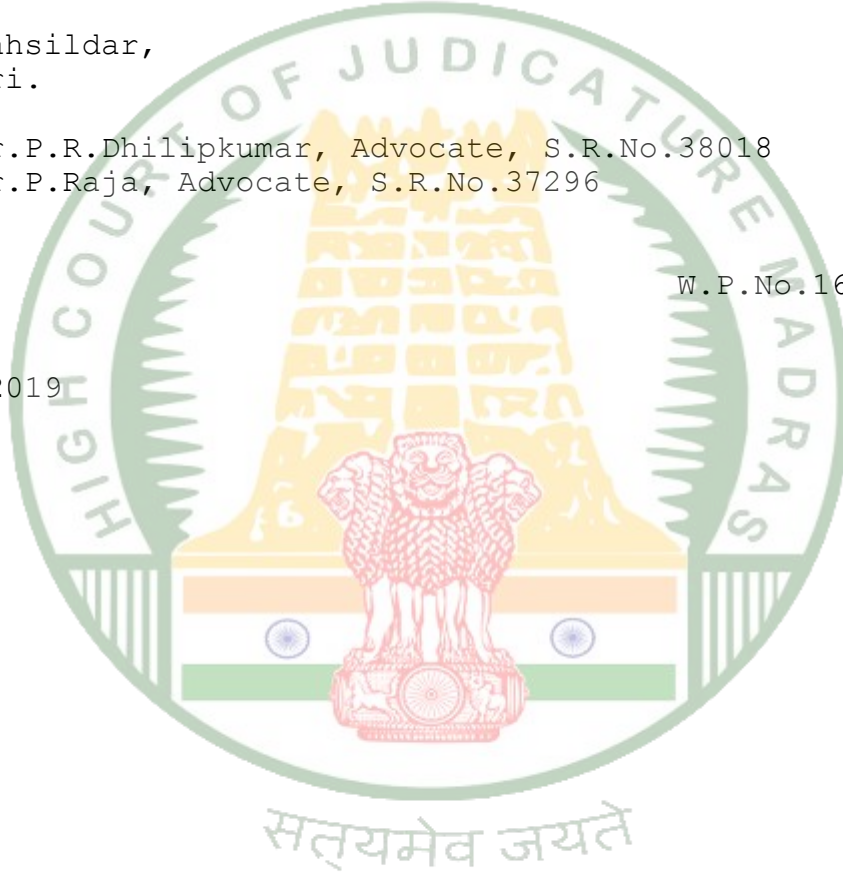
To

1. The Junior Engineer,
Chennai Electricity Distribution Circle,
TNEB, Padianallur,
Chennai-600 052.
2. The Superintending Engineer,
Chennai Electricity Distribution Circle,
TNEB, 110/33KV Thirumangalam,
SS Campus, 1st Floor,
Anna Nagar, Chennai-40.
3. The Tahsildar,
Ponneri.

+1cc to Mr.P.R.Dhilipkumar, Advocate, S.R.No.38018
+1cc to Mr.P.Raja, Advocate, S.R.No.37296

W.P.No.16925 of 2018

KK(CO)
CS/04/06/2019



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