

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.08.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.17803 of 2019

M.Mohanraj

...Petitioner

Vs

1.The Executive Engineer,
Chengalpet Electricity Distribution System,
TANGEDCO, Chengalpet.

2.The Superintending Engineer,
Chengalpet Electricity Distribution System,
TANGEDCO, Chengalpet.

3.The Assistant Engineer,
TANGEDCO,
Thirukazhikundram.

4.Amsa

5.Balu @ Balakrishnan

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to disconnect the electricity service connection given to the respondents 4 and 5 in respect of the property bearing Door No.3/303, Chokkammal Koil Street, Thirukazhikundram, Kancheepuram District pursuant to the representation of the petitioner dated 22.04.2019.

For petitioner : Mr.A.Damodaran

For Respondents : Mr.S.K.Rameshwar

Standing counsel for R1 to R3

: Mr.K.Govi Ganesan for R4 & R5

ORDER

The prayer in the writ petition is to issue a Writ of Mandamus, directing the respondents 1 to 3 to disconnect the electricity service connection given to the respondents 4 and 5

in respect of the property bearing Door No.3/303, Chokkammal Koil Street, Thirukazhikundram, Kancheepuram District

2. After notice, the respondents 1 to 3 have appeared through his counsel and filed counter. The learned counsel for the respondents 4 and 5 filed vakalat, entered appearance and not filed counter.

3. The contention of the petitioner is that the respondents 4 and 5 have fraudulently obtained service connection for Door No.3/303, Chokkammal Koil Street, Thirukazhikundram, Kancheepuram District, by producing documents which are not connected with the property.

4. Whereas, in the counter filed by the respondents 1 to 3 who have given the service connection to the respondents 4 and 5 on 29.01.2008 submits that the land being a Grama Natham, the respondents 4 & 5 have produced the tax receipts and other relevant documents necessary to give service connection. Therefore, the service connection provided to them on 29.01.2008. After receiving the representation of the petitioner on 22.04.2019, the Electricity Board communicated reply letter on 30.04.2019 to the petitioner seeking to produce present revenue records holding in his name. The petitioner has produced the documents on 13.05.2019 and thereafter, the 4th respondent was directed to produce documents in her possession regarding the title of the property to the letter sent on 21.06.2019. The 4th respondent has so far not given her reply.

5. It is further submitted by the respondents 1 to 3 that the said dispute between the petitioner and the 4th respondent regarding the title of the property at present out of 5 cents of land, the petitioner is holding 2.5 cents and the 4th respondent is in possession of 2.5 cents. The petitioner having separate house and having separate service connection, it was also transferred in his name from the erstwhile owners name.

6. The petitioner has produced patta document transferred in the name of Mohanraj, S/o.Manoharan and it was obtained on 15.02.2009 and as per the seal and signature of the VAO and Revenue Authorities for Survey No.67/42, old Survey No.67/19. However, the petitioner in his affidavit has stated that he has purchased the property only in the year 2015, whereas the service connection to the 4th respondent has been given based on the patta No.63 issued in the year 2013 and in view of the materials submitted by the petitioner herein, the matter under consideration on the representation of the petitioner and the authority will pass appropriate orders after scrutinizing the documents.

7. It is also brought to the notice of this Court that despite notice served on the 4th respondent by the 3rd respondent for appearance and participate in the enquiry, the 4th respondent has not attended the enquiry. Therefore, an opportunity is given to the 4th and 5th respondents to appear before the Board/3rd respondent and submit relevant documents within a period of 7 days from today. On receiving the same, appropriate orders shall be passed in accordance with law.

8. With the above observations, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-V)

//True copy//

Sub Assistant Registrar

rpl

To

- 1.The Executive Engineer,
Chengalpet Electricity Distribution System,
TANGEDCO, Chengalpet.
- 2.The Superintending Engineer,
Chengalpet Electricity Distribution System,
TANGEDCO, Chengalpet.
- 3.The Assistant Engineer,
TANGEDCO,
Thirukazhikundram.

+1cc to Mr.A.Damodaran, Advocate SR.No.66376

+1cc to Mr.K.Govi Ganesan, Advocate SR.No.66563

+1cc to Mr.S.K.Rameshwar, Advocate SR.No.66515

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NMI (CO)
GMY (26/08/2019)