



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 14.11.2019

Coram::

The Honourable Dr.Justice G.Jayachandran

W.P.Nos.29306 & 29307 of 2019
& W.M.P.No.29106 of 2019

S.Venkatraj,
No.66, Plot No.F,
Vishal Gangothri,
R.K.Shanmugam Road,
K.K.Nagar, Chennai - 600 078.

... Petitioners
in both cases

/versus/

1. The Chief Engineer,
O & M/TNEB,
CEDC-South-II,
Selaiyur,
Chennai - 600 073.
2. The Assistant Engineer,
O & M/TNEB,
CEDC-South-II,
Selaiyur,
Chennai - 600 073.
3. Tmt.M.Vasanthi,
No.1, Shanmuga Nagar,
Chithalapakkam Main Road,
Chithalapakkam,
Chennai - 600 064.

... Respondents
in both cases

Prayer in W.P.No.29306 of 2019: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus, directing the respondents 1 and 2 to restore the electricity meter and energize the petitioner premises under service connection number 256-10/18-2202 registered on 05.10.2018 in the name of the petitioner.

Prayer in W.P.No.29307 of 2019: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus, directing the respondents 1 and 2 to receive the

electricity service connection application from the petitioner for his premises situated at S.Nos.10/12 and 10/13, Srinivasan Street, Puthur, Selaiyur, Chennai - 73 and process the application and give electricity connection.

For Petitioner : Mr.S.Sundaresan
in both cases

For R1 & R2 :Mr.S.K.Rameshwar, Standing Counsel
in both cases

For R3 : Mr.K.Balachandran
in both cases

O R D E R

Heard the Learned Counsel for the Petitioners and the Learned Counsel for the Respondents.

2. The petitioner herein claim that he is the owner of the properties in S.Nos.10/11 & 12, situated in Saravana Street, Puthur, Selaiyur, Chennai, in which he has put up construction and has applied for electricity service connection. At that juncture, the 3rd respondent/Tmt.M.Vasanthi, has given a complaint to the 2nd respondent not to provide service connection for the building since there is a title dispute between the petitioner and the 3rd respondent/Tmt.M.Vasanthi. Based on that the 2nd respondent/Assistant Engineer, Selaiyur, Chennai, has not provided service connection to the petitioner's building. Hence, the present Writ Petition.

3. The Learned Counsel appearing for the 3rd respondent would submit that, based on the forged and fraudulent document, the petitioner has obtained Patta and other revenue records in his favour and put up construction in the land. In this connection, a complaint has been given to Inspector General of Registration, alleging the forgery and impersonation by the petitioner and the enquiry is pending before the Inspector General of Registration. Further, the petitioners himself has filed a suit before the District Court, Chengalpet, to declare his title in respect of above said property. While so, the Learned Counsel for the petitioner would submit that, if the petitioners are allowed to get service connection for the building constructed upon the land in dispute, it will prejudice the interest of the respondents. It an admitted fact that, the construction was put up by the petitioners herein. If there is any title dispute regarding the land, the petitioner and the 3rd respondent shall work out the remedy before the competent Civil Court.

4. Pending disposal of the Civil case, the petitioner has constructed the building after obtaining Planning Permission. So the petitioners are entitled to get service connection provided he gives an affidavit that in case, the petitioner loses the title dispute, will not take any lien over the service connection provided to him. It is made clear that order in this regard is only to balance the convenience and to provide basic amenities to the petitioner herein who has put up construction. This shall not have any bearing in the Civil suit pending between the parties.

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

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

bsm

To

1. The Chief Engineer,
O & M/TNEB,
CEDC-South-II, Selaiyur,
Chennai - 600 073.

2. The Assistant Engineer,
O & M/TNEB,
CEDC-South-II,
Selaiyur,
Chennai - 600 073.

+2 CCS to Mr.S.Sundaresan, Advocate sr 95445
+1 CC to Mr.S.K.Rameshwar, Advocate sr 94925
+1 CC to Mr.K.Balachandran, Advocate sr 94921.

W.P.Nos.29306 & 29307 of 2019

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SP(25/11/2019)