

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.10.2020

CORAM:

THE HONOURABLE Mr. JUSTICE N.ANAND VENKATESH

W.P.No.13885 of 2020

D.Shanthi

... Petitioner

Vs.

1.The Superintending Engineer,  
TANGEDCO  
Chennai - North  
Ground Floor, 5B Block,  
144, Anna Salai,  
Chennai - 600 002.

2.The Assistant Engineer (North) O & M  
TANGEDCO  
Puzhal Sub Station  
110, EB Road, Anna Ninaivu Nagar,  
Chennai - 600 066.

3.C.Rajmohan

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus forbearing the 2<sup>nd</sup> respondent not to provide Electricity Connection in favour of the 3<sup>rd</sup> respondent herein and consequently direct the 2<sup>nd</sup> respondent to consider petitioner's representation dated 03.09.2020 to conduct fair enquiry under the instruction of the 1<sup>st</sup> respondent herein.

For Petitioner : Mr.D.Manimaran

For Respondents 1 & 2 : Mr.P.R.Dilip Kumar

ORDER

This Writ Petition has been filed for the issue of a writ of mandamus forbearing the second respondent not to provide electricity connection in favour of the third respondent.

2.The case of the petitioner is that she is the owner of the subject property. According to the petitioner, the property was settled in her favour by her husband by a registered settlement deed dated 11.02.2015. Thereafter the petitioner is in possession and enjoyment of the property and she is also paying the statutory dues. The further case of the petitioner is that a sale deed came to be executed in favour of the third respondent on 30.08.2016 and the third respondent did not pay any sale consideration and has cheated the petitioner. The petitioner has filed a civil suit in O.S.No.95 of 2020 and the same is pending on the file of Civil Court. In the meantime, the third respondent was taking steps to get the electricity connection for the property. Therefore, the petitioner gave an objection to the second respondent on 03.09.2020. The grievance of the petitioner is that the objection given by the petitioner has not been considered and steps are being taken by the third respondent to get the electricity connection. According to the petitioner, the third respondent, who has cheated the petitioner, should not be given the electricity connection and the petitioner will be put to hardship if any such connection is given in the name of the third respondent.

3.Heard Mr.D.Manimaran, learned counsel for the petitioner and Mr.P.R.Dilip Kumar, learned standing counsel appearing on behalf of respondents.

4.This Court has carefully considered the representation that was made by the petitioner to the second respondent on 03.09.2020. The petitioner has informed the second respondent that the sale consideration has not passed on and the third respondent has cheated the petitioner and there is also a suit pending before the competent Civil Court. On this representation, the petitioner wants the second respondent to act upon the same and not give any electricity connection in the name of the third respondent.

5.In the considered view of this Court, the second respondent cannot go into the issue as to whether the sale consideration has passed on from the third respondent to the petitioner. The second respondent will merely act upon the sale deed executed by the petitioner in favour of the third respondent on 30.08.2016. If the petitioner wants to restrain the third respondent from dealing with the property or getting electricity connection, an appropriate application must be moved before the Civil Court in which the suit is pending. If any interim orders are passed, the second respondent can always act upon the same. In the absence of any such orders, the second respondent cannot act upon a mere representation made by the petitioner. Therefore, this Court does not find any ground to

direct the second respondent to act upon the representation given by the petitioner.

6.In view of the above discussion, liberty is granted to the petitioner to file an appropriate application before the Civil Court in which the suit is pending in O.S.No.95 of 2020 and seek for the appropriate remedy. Except for granting this liberty, no further orders can be passed in this writ petition.

7.This Writ Petition is disposed of accordingly. No costs.

Sd/-  
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1.The Superintending Engineer,  
TANGEDCO  
Chennai - North  
Ground Floor, 5B Block,  
144, Anna Salai,  
Chennai - 600 002.

2.The Assistant Engineer (North) O & M  
TANGEDCO  
Puzhal Sub Station  
110, EB Road, Anna Ninaivu Nagar,  
Chennai - 600 066.

सत्यमेव जयते

W.P.No.13855 of 2020

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srg 05/11/2020

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