



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.07.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) .No.2890 of 2019

and

W.M.P. (MD) .No.2178 of 2019

WEB COPY

Santhiyagu

...Petitioner

Vs.

1.The Superintending Engineer,
Tamil Nadu Generation of Energy and
Distribution Corporation,
Ramanathapuram.

2.The Assistant Engineer,
Tamil Nadu Generation of Energy and
Distribution Corporation,
Sayalkudi, Ramanathapuram District.

3.The Paris Criest,
Sayalkudi Roman Catholic Criest,
St.Velankanni Annai Church, Sayalkudi,
Ramanathapuram District.

4.S.Jayapaul

5.R.Francis

6.Arockiyaraj

7.D.Pachiraja

...Respondents

(Respondent Nos.4 to 7 impleaded vide Court order dated 14.07.2020 in W.M.P. (MD) .No.14403 of 2019 in W.P. (MD) .No.2890 of 2019)

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records pertaining to the notice issued by the second respondent in Ref.No.க.எண்.உ.மி.பொ/விநி/சாயல்/கோ.கட்.டு/அ.எண். 056/2019, dated 30.01.2019 and quash the same as illegal.

For Petitioner

: Mr.K.Kumaravel

For R-1 & R-2

: Mrs.M.Rajeswari

for Mr.S.M.S.Johny Basha

For R-4 to R-8

: Mr.A.L.Kannan

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Standing counsel appearing for TANGEDCO

<https://hcservices.ecourts.gov.in/hcservices/>



and the learned counsel appearing for the private respondents.

2.The petitioner is residing in the premises mentioned in the affidavit filed in support of the Writ Petition. He is also enjoying existing electricity service connection. The private respondents herein have given an objection stating that the land on which the petitioner's house has been constructed belongs to a Church and that therefore the electricity service connection enjoyed by the writ petitioner herein should be cut off. Acting on the said objection given by the private respondents, the second respondent herein issued the impugned communication dated 30.01.2019 calling upon the petitioner to produce documents indicating the petitioner's ownership over the subject property. Questioning the same, this Writ Petition has been filed.

3.The petitioner's counsel contended that the second respondent cannot arrogate to himself the authority has to decide the title issue. While the petitioner would claim the property to be his, the private respondents would claim that the property is a Church property. It is not in dispute that the petitioner is already enjoying the electricity service connection. It is not clear as to in whose name the service connection is presently standing. Be that as it may, the status-quo on the date of filing of the Writ petition as regards the name of the service connection will continue. The petitioner can continue to enjoy the said service connection subject to payment of the statutory charges. However, the rights regarding the property will be worked out between the parties before the Jurisdictional Civil Court. I make it clear that the petitioner cannot seek to change the service connection to his individual name. Whatever was the status-quo as on date of filing of the Writ Petition will continue, till the Civil Court decides the issue.

4.The Writ Petition is disposed of on these terms. No costs. Consequently, the connected miscellaneous petition is closed.

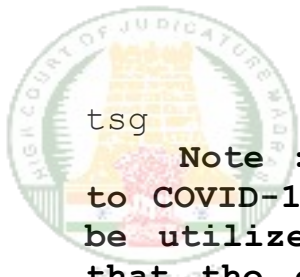
Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



tsg

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1.The Superintending Engineer,
Tamil Nadu Generation of Energy and
Distribution Corporation,
Ramanathapuram.

2.The Assistant Engineer,
Tamil Nadu Generation of Energy and
Distribution Corporation,
Sayalkudi, Ramanathapuram District.

ORDER MADE IN
W.P. (MD) .No.2890 of 2019
21.07.2020

_KM (27.07.2020) 3P 3C