



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.10.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.14433 of 2020

Dr.Pitchai

... Petitioner

Vs

1.The Superintending Engineer,
Tamil Nadu Electricity Board,
E.D.C., No.1, Vallam Road, Thanjavur District-613 007.

2.The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
Ooranipuram Division,
Unjiyaviduthi Post,
via Thiruvonam, Orathanadu Taluk,
Thanjavur District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 03.08.2020 and disconnect the electricity service connection, which was given in the petitioner's patta land in respect of Survey No.237/12B3, situated at Vettuvakottai Post, Orathanadu Taluk, Thanjavur District.

For Petitioner : Mr.A.C.Asaithambi

For R-1 & R-2 : Mrs.Rajeswari
For Mr.S.M.S.Johny Basha
Standing Counsel for TNEB

ORDER

This Writ Petition has been filed for a Mandamus seeking for a direction to the respondents to consider the petitioner's representation dated 03.08.2020, in respect of his land comprising in Survey No.237/12B3, situated at Vettuvakottai Post, Orathanadu Taluk, Thanjavur District.

2. Heard Mr.A.C.Asaithambi, learned counsel appearing for the petitioner and Mrs.Rajeswari, learned counsel, for Mr.S.M.S.Johny Basha, learned Standing Counsel, accepts notice for the respondents. By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. It is the case of the petitioner that he is the absolute owner of the above mentioned property and patta has also been issued



in his name.

4. According to him, Mrs.Chellammal, W/o Murugaiyan, constructed a house and obtained electricity service connection in the petitioner's land in Survey No.237/12B3. According to the petitioner, Mrs.Chellammal has been erroneously included in Patta No.7621, dated 27.07.2019, along with the petitioner. According to the petitioner, Mrs.Chellammal, neither has got a sale deed nor got any other title deed to prove her ownership, with regard to Survey No.237/12B3, which is absolutely owned by the petitioner. According to the petitioner, Mrs.Chellammal, has fraudulently obtained a joint patta for Survey No.237/12B3.

5. It is the case of the petitioner that he has already taken steps to cancel the name of Mrs.Chellammal, in the joint patta dated 27.07.2019. According to the petitioner, by using the joint patta, Mrs.Chellammal, has obtained electricity service connection in her son's name Mr.Paneer and the second respondent has also granted the same without proper enquiry.

6. The petitioner has made representations to the respondents on 08.07.2020 and 03.08.2020. But, it is the case of the petitioner that the said representations have not been considered by the respondents, till date. The petitioner is aged about 82 years and according to him, despite his several reminders, the respondents have not considered the representations of the petitioner, dated 08.07.2020 and 03.08.2020. According to him, in view of the electricity service connection granted to Mrs.Chellammal's son in the petitioner's patta land, he is unable to sell the property. In such circumstances, this Writ Petition has been filed.

7. The relief sought for by the petitioner is an innocuous relief. The learned counsel appearing for the petitioner has produced patta No.1079, dated 13.11.2004, for Survey No.237/12B3. As seen from the said patta, the petitioner's name alone is found.

8. The learned counsel appearing for the petitioner drew the attention of this Court to the patta dated 27.07.2019 for the very same survey No.237/12B3, which discloses the name of the petitioner as well as Mrs.Chellammal. The petitioner has also given representations to the respondents, seeking for cancellation of electricity service connection, granted to Mrs.Chellammal's son namely, Mr.Paneer, stated that Mrs.Chellammal, has fraudulently obtained joint patta dated 27.07.2019, for Survey No.237/12B3. Admittedly, till date, the representations given by the petitioner have not been duly considered by the respondents.

9. The learned Standing counsel appearing for the respondents would contend before this Court that Mrs.Chellammal has not been made a party respondent in this Writ Petition. However, the



interest of Mrs.Chellammal can be adequately protected, if notice is given to her by the respondents, while they hold an enquiry, with regard to cancellation of the electricity service connection granted to her son namely, Mr.Paneer, based on the joint patta dated 27.07.2019.

WEB COPY

10. For the foregoing reasons, this Court directs the second respondent to consider the petitioner's representations dated 08.07.2020 and 03.08.2020, seeking for cancellation of the electricity service connection granted to Mrs.Chellammal's son, namely, Mr.Paneer, for survey No.237/12B3, situated at Vettuvakottai Post, Orathanadu Taluk, Thanjavur District, based on the joint patta dated 27.07.2019 and pass final orders on merits and in accordance with law, after affording sufficient opportunity to the petitioner as well as Mrs.Chellammal, including other interested persons, if any, to whom the notice will have to be issued by the respondents in enquiry proceedings, within a period of eight weeks from the date of receipt of a copy of this order.

11. With the aforesaid directions, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// 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.

W.P. (MD)No.14433 of 2020

15.10.2020

CK(CO)

AP(04/11/2020) 3P 1C