



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 09.07.2020
CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD)No.7594 of 2018 and
WMP(MD) Nos.7223 & 7224 of 2018

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S.Murugan

...Petitioner

Vs.

1. The Assistant Engineer,
Operation & Maintenance,
Tamil Nadu Electricity Board,
Gujilamparai town,
Vadasanthur Taluk,
Dindigul District.

2. The Assistant Accounts Officer,
Revenue Branch, (North)
Tamil Nadu Electricity Board,
Dindigul - 624 002.

3. Muniyappan,
S/o Subbiah Gounder,
Vanrayanpatti,
Palayam Village,
Vedasandur Taluk,
Dindigul District.

...Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the 2nd respondent in his proceedings L.r.No.AAO/RP/N/F. Name Transfer/D.No.239/2013-2014 dated 28.03.2014 and quash the same consequently direct the second respondent to restore the Service connection on the name of his father namely Subbiah Gounder with regard to SC No.48 of Anaiyapur Distribution, situated at S.No.748/1A, Palayam Village, Vedasandur Taluk, Dindigul District.

For Petitioner

: Mr.G.Gomathi Sankar

For Respondents

: For R1&R2-Mrs.M.Rajeswari for
Mr.S.M.S.Johny Basha
For R3- Mr.S.Gokulraj



ORDER

Heard the learned counsel for the petitioner, the learned Standing counsel for the respondents 1 & 2 and the learned counsel appearing for the 3rd respondent.

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2. The petitioner and the third respondent are brothers. The petitioner's main electricity service connection originally stood in the name of Subbiah Gounder, who is the father of the writ petitioner and the third respondent. The petitioner challenges the impugned proceedings dated 28.03.2014, whereby, the petitioner's main electricity service connection was changed in favour of the third respondent.

3. The learned standing counsel for the respondents 1 & 2 would state that the mutation was made in March 2014, based on the No objection letter given by the petitioner herein. The petitioner's counsel would however contend that the third respondent had forged the said No Objection letter and got transferred the electricity service connection in his name.

4. According to the petitioner, the third respondent had obtained the said No Objection letter by fabricating his signature. Hence, it is open to the petitioner to initiate appropriate proceedings against the third respondent and it is not possible for the Writ Court to deal with the allegation of forgery. There is no doubt that the electricity service connection originally in the name of one Subbiah Gounder. The said Subbiah Gounder is no more. The petitioner and the third respondent are his legal heirs. It is seen that following the partition of the property, the well in question fell to the share of the third respondent herein. It is stated by the TANGEDCO that in the application given by the third respondent for transfer of name, No Objection Letter of the petitioner was also enclosed and the proceedings for name transfer were passed wayback in the year 2014. Whereas, the Writ petition came to be filed during April 2018 after the lapse of 4 years and 1 month. It is further seen that there was some kind of compromise between the petitioner and the third respondent in the year 2016.

5. The grievance of the petitioner is that the third respondent has not acted as per the compromise. Be that as it may, the remedy available to the petitioner is only to file a Civil Suit. In my view, the remedy chosen by the petitioner is misconceived.

6. In view of the above, the Writ Petition stands dismissed. However, liberty is given to the petitioner herein to enforce his rights by moving the jurisdictional civil Court. Liberty is also given to the petitioner to lodge criminal complaint against the third respondent if according to him the third respondent had forged the petitioner's signature.



7. With these observations, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

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Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vrn

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

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