

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.25119 of 2015

and

M.P.No.1 of 2015

S.Jayasree

... Petitioner

Vs.

1.The Assistant Engineer,
Tamil Nadu Electricity Board,
Kizhkattalai, Chennai - 600 117.

2.The Executive Engineer / O & M,
Tambaram, Chennai - 45.

3.The Superintending Engineer / CEDC/South,
Medavakkam, Chennai - 601 302.

4.The Assistant Executive Engineer,
Medavakkam, Chennai - 601 302.

5.Muruvammal alias Murugammal

... Respondents

6.The Thasildhar,
Pallavaram, Chennai.

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, to direct the 1st respondent to disconnect the E.B. Service connection, which was given to the 5th respondent and her husband namely Mani at the petition premises situated at Keelkattalai Village, Balamurugan Nagar Extension, comprised in S.No.327/3, Patta No.786, Plot No.7, measuring an extent of 2405 sq.ft.

For Petitioner : Mr.T.Ramachandran

For Respondents : Mr.P.Gunaraj

for R1 to R4

No appearance for R5

O R D E R

This writ petition has been filed for a mandamus to disconnect the E.B. Service connection, which was given to the 5th respondent herein. The case of the petitioner is that the petitioner had purchased the property from the 5th respondent's power of attorney on 28.09.2005. Pursuant to the power of attorney executed on 20.06.2005 by the 5th respondent. It is

the case of the petitioner that though the land was sold to the petitioner under sale deed dated 28.09.2005, the 5th respondent along with her husband filed an application on 16.03.2011 for obtaining electricity connection from the 1st respondent herein In Form I, they have given the address of the petitioner as S.No.88, 3rd Cross Street, Thenmozhi Nagar, Keelkattalai, Chennai - 117 and are squatting now the property sold to the petitioner to make illegal demand for the petitioner.

2.The petitioner submits that having sold the property, 5th respondent is illegally occupying the land and has obtained electricity connection from the 1st respondent to extract more money from the petitioner. From the records that are available to this Court, it is noticed that address given by the 5th respondent is S.No.88, 3rd Cross Street, Thenmozhi Nagar, Keelkattalai, Chennai - 117 whereas the petitioner purchased the property at S.No.327/13 Patta No.786 Pallavaram Registry, Keelkattai Village, Balamurugan Nagar, Tambaram Taluk, Kanchipuram District from the power of attorney of the 5th respondent vide sale deed dated 28.09.2005.

3.There is some doubt as to whether both the properties are one and the same. Therefore, this Court suo-motu impleaded Thasildar/Pallavaram as the 6th respondent to survey the properties described in the sale deed dated 28.09.2005. The 6th respondent shall depute a surveyor to survey the property and give a report to the 1st respondent as to whether the property purchased by the petitioner vide sale deed dated 28.09.2005 is the same the property at S.No.88, 3rd Cross Street, Thenmozhi Nagar, Keelkattalai, Chennai - 117 for which, the 5th respondent has obtained E.B. Service connection for the 1st to 4th respondent.

4.The 6th respondent shall have the property surveyed within a period of 30 days from the date of receipt of a copy of this order. Needless to state, before the survey, the 5th respondent shall given notice. On receipt of the survey report from the surveyor, the first respondent is directed to take an independent decision as to whether the connection given to the 5th respondent is to be continued or disconnected.

5.The Writ Petition stands disposed with the above observations. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar (CS-VII)

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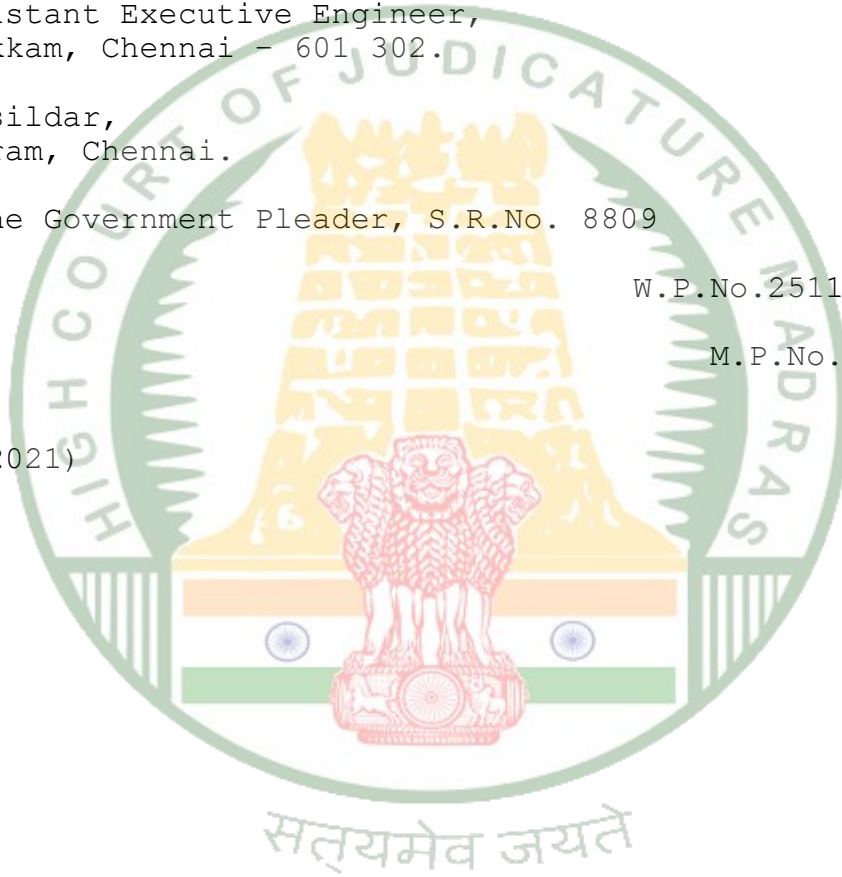
Sub Assistant Registrar

To

- 1.The Assistant Engineer,
Tamil Nadu Electricity Board,
Kizhkattalai, Chennai - 600 117.
 - 2.The Executive Engineer / O & M,
Tambaram, Chennai - 45.
 - 3.The Superintending Engineer / CEDC/South,
Medavakkam, Chennai - 601 302.
 - 4.The Assistant Executive Engineer,
Medavakkam, Chennai - 601 302.
 - 5.The Thasildar,
Pallavaram, Chennai.
- +lcc to the Government Pleader, S.R.No. 8809

W.P.No.25119 of 2015
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PL(CO)
GN(29/03/2021)



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