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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.5025 OF 2019

A.Dilli

... Petitioner

Vs.

1. The Chairman  
Tamil Nadu Electricity Board,  
10th Floor, NPKRR Maaligai,  
144, Anna Salai, Chennai 600 002.

2. The Superintending Engineer  
Tamil Nadu Electricity Board,  
Kancheepuram,  
Kancheepuram District.

3. The Junior Engineer,  
Tamil Nadu Electricity Board,  
Chennai Electricity Distribution Circle,  
South Siruseri, Kancheepuram.

4. Santhakumari

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 3rd respondent to consider petitioner's representation dated 24.01.2019 for disconnecting the Service connection No.296-001-1800 in respect of the property comprised in Old Survey No.79/1, New Survey No.253/11 of Sonachalam Street, Navalur Village, Tiruporur Taluk, Kancheepuram District stands in the name of the Mrs.Santhakumari within a reasonable time that may be fixed by this Hon'ble Court.

For Petitioner

: M/s.N.Naveenkumar

For Respondents R1 to R3 : Mr.Jai Venkatesh  
Standing Counsel



## O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus to direct the 3rd respondent to consider petitioner's representation dated 24.01.2019 for disconnecting the Service connection No.296-001-1800 in respect of the property comprised in Old Survey No.79/1, New Survey No.253/11 standing in the name of the Mrs.Santhakumari.

2.The case of the petitioner is that the petitioner purchased a vacant land comprised in old S.F.No.79/1, new S.No.253/11 to a extent of 8 cents out of 13 cents on 17.10.2018 from Mr.S.M.Vedagiri and Rajan, who are the power agents of Mr.Raja Badhar and T.Jayashankar under the sale deed dated 17.10.2018 in Document Nos.11233 and 11234 of 2018. After purchasing the above said land, the Electricity connection No.296-023-250 and No.296-021-251 was transferred to the name of the petitioner and his wife and they have paid the bill regularly. When the petitioner went to the site, he came to know that another electricity connection No.296-001-1800 was registered in respect of the property comprised in old survey No.79/1, new survey No.253/1 under the name of one Mrs.Santhakumari/4th respondent. Thereafter, the petitioner enquired the owners and came to know that the said Mrs.Santhakumari/4th respondent has unlawfully encroached the said land which is currently belonging to the petitioner. Hence, the petitioner sent a representation dated 24.01.2019 to the respondents for disconnecting the Service connection under the name of the said Mrs.Santhakumari/ 4th respondent, but till date no action was taken on the petitioner's representation. Hence, this Writ petition.

3. The learned counsel appearing for the petitioner submitted that the petitioner submitted that without going into the merits of the case, it would suffice, if this Court issues direction to the respondents 1 to 3 to consider the petitioner's representation dated 24.01.2019 and disconnect the service connection under the name of the said Mrs.Santhakumari/4th respondent, who has illegally encroached the property of the petitioner.

4.The learned counsel appearing for the 4th respondent submitted that one Mr.Raja Badhar and another Jayashankar (previous owner of the land purchased by the petitioner) are the brothers of the 4th respondent and the land in old S.F.No.79/1, new Survey.No.253/11 was purchased by the 4th respondent's father and the property is part and parcel of the joint family property and the sale deed dated 17.10.2018 executed in favour



of the petitioner is not correct. He further submitted that the Civil suit filed in C.S.No.846 of 2014 for the partition, declaration, appointment of commissioner etc., between the brothers and sisters is pending before this Court. In the mean time, the petitioner hurriedly filed this Writ petition when the civil suit is pending, which is not maintainable one. Hence, he prays this Court to dismiss the present writ petition. Counter has been filed by Respondents R1 to R3 in which it is submitted that both the petitioners and the 4th respondent are regularly paying the bill under different service connection.

5. Heard the arguments advanced on either side.

6. Considering the facts and circumstances of the case, since the civil suit is pending in C.S.No.846 of 2014 before this Court, without awaiting an order in the suit, filing the writ petition for disconnecting the electricity service connection is not sustainable. Hence, this Court is not inclined to issue any positive direction to the petitioner.

7. Accordingly, this Writ petition is dismissed. No costs. However, liberty is granted to the petitioner to workout the remedy in the manner known to the law.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

skt

To

1. The Chairman  
Tamil Nadu Electricity Board,  
10th Floor, NPKRR Maaligai,  
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2. The Superintending Engineer  
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Kancheepuram,  
Kancheepuram District.



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3. The Junior Engineer,  
Tamil Nadu Electricity Board,  
Chennai Electricity Distribution Circle,  
South Siruseri, Kancheepuram.

+1cc to Mr.S.Kasi Rajan, Advocate, S.R.No.59870  
+1cc to Mr.Jai Venkatesh, Advocate, S.R.No.59920

W.P.No.5025 of 2019

RGN (CO)  
PM/27/12/2021