



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.14722 of 2021

Mr.Anwar Hussain

...Petitioner

Vs

- 1.Chief Engineer. TANGEDCO,
5A Block, Electricity Avenue,
144, Anna Salai,
Chennai 600 002.
- 2.Superintending Engineer,
(Central/Chennai) TANGEDCO,
MGR Salai, Valluvarkottam SS Campus,
Nungambakkam,
Chennai 600 034.
- 3.Executive Engineer,
TANGEDCO,
No.47, Cooks Road, Otteri,
Chennai 600 012.
- 4.Assistant Executive Engineer,
TANGEDCO,
No.25, East Spur Tank Road,
Chennai 600 031.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the 4th respondent to consider the petitioner's representation dated 06.05.2021.

For Petitioner : Mr.T.Sushil Sarayu

For Respondents : Mr.L.Jaivenkatesh
Standing Counsel

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the 4th respondent to consider the representation made by the petitioner on 06.05.2021, wherein, the petitioner is requesting for an enquiry to be conducted on the electricity service connection that was given to the subject property based on the document submitted by the occupants of the property, who are not the owners of the same.

2.The case of the petitioner is that his father is the owner of the subject property by virtue of a Registered Sale



Deed dt.20.02.1959. The further case of the petitioner is that constructions were put up after obtaining permission and various portions of the property were rented or leased out.

3.It is stated that the father of the petitioner died on 17.07.2005, leaving behind the petitioner and other legal heirs. Subsequently, the mother of the petitioner also died in the year 2017.

4.The petitioner wanted to renovate and repair the property and has also filed eviction petition to evict all those persons who are illegally squatting on the property.

5.In the meantime, a Trust had filed a suit for declaration to declare that they are the owners of the property and this suit is pending on the file of the City Civil Court, Chennai in O.S.No.6885/2015. The petitioner is involved in multiple litigations for the last so many years in order to recover the property belonging to the family.

6.The petitioner found that the so called Trust had produced certain documents before the Electricity Board and had obtained electricity service connection in the name of the Trust. According to the petitioner, the suit is now pending before the Civil Court to substantiate their claim for title over the property.

7.According to the petitioner, the document submitted by the Trust are fabricated documents and the Electricity Board has granted service connection without any verification on the ownership of the property. Therefore, the petitioner made a representation to the respondents on 06.05.2021, seeking for conducting an enquiry on the document submitted by the Trust and the basis on which the electricity service connection was given in the name of the Trust. Since the same was not considered, the present writ petition has been filed before this Court seeking for appropriate directions.

8.Heard learned counsel for the petitioner and the learned counsel appearing on behalf of the respondents.

9.In the considered view of this Court, there is already a substantial suit that is pending before the Competent Civil Court in O.S.No.6883 of 2015 and the Trust is claiming for the relief of declaration of title in this suit. The petitioner is also contesting the claim made by the Trust. Ultimately, the Trust must prove its title through valid documents and merely because an electricity service connection has been given in the name of the Trust, that will not in any way enhance the claim made by the Trust. Providing electricity service connection can never be a ground for determining the title over a property.

10.When the substantial suit is pending before the Competent Civil Court, the respondent cannot be directed to



scrutinize the documents submitted by the Trust while giving the electricity service connection in the name of the Trust since it will virtually amount to parallel proceedings. Whatever documents are relied upon by the Trust will be filed in the suit and the same can be decided before the Competent Civil Court. Ultimately, if the Civil Court finds those documents to be illegal, the consequence would be to dismiss the suit filed by the Trust and at that point of time, the petitioner can always submit a fresh representation to the respondents. Till then, no enquiry can be ordered on the side of the respondents. Except giving this clarity, no further orders can be passed in this writ petition.

11.This writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

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Chennai 600 031.

+2ccs to Mr.L.Jaivenkatesh, Advocate, S.R.No.34686, 38547

+1cc to Mr.T.Sushil Sarayu, Advocate, S.R.No.38627

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