



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.17038 of 2019

Mumtaj

... Petitioner

vs.

1. The Executive Engineer,
TNEB, Vaniyambadi Division,
New Town, Nethaji Nagar,
Vaniyambadi, Vellore District - 635 751.

2. Gandhi

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 1st Respondent to conduct enquiry against the 2nd Respondent on the basis of the Petitioner's complaint dated 28.03.2019 to cancel the electricity connection of the 2nd Respondent in accordance with law.

For Petitioner	:	Mr.S.Mohamed Ansar
For 1 st Respondent	:	Mr.L.Jai Venkatesh, Government Advocate

O R D E R

Petitioner has come up with the above Writ Petition seeking a direction to the 1st Respondent to conduct enquiry against the 2nd Respondent on the basis of her complaint dated 28.03.2019 to cancel the electricity connection of the 2nd Respondent, in accordance with law.

2. According to the Petitioner, by mortgaging their property to the 2nd Respondent, she borrowed a sum of Rs.25,00,000/- as loan. However, after deducting interest at 4.5% per month and other charges, the 2nd Respondent extended only a sum of Rs.23,00,000/- as loan to the Petitioner. Thereafter, the Petitioner and her husband went to the Sub-Registrar Office, Vaniyambadi on 31.12.2014 to register the Mortgage Deed and affixed signature in requisite documents. Later, the Petitioner came to know that, the 2nd Respondent fraudulently registered the Mortgage Deed as Sale Deed vide



Document No.8829, dated 31.12.2014 before the Sub-Registrar, Vaniyambadi. Hence, the Petitioner filed a Suit for declaration before the III Assistant District Court, Vellore at Tirupattur in O.S.No.10 of 2019 against the 2nd Respondent to cancel the said Sale Deed, as Patta, Electricity Service connection and property Tax Receipt are all maintained in her name.

3.The case of the Petitioner is that, when the Suit is pending, the 2nd Respondent is not supposed to change electricity service connection of the Suit property. In this regard, the Petitioner made a complaint to the 1st Respondent on 28.03.2019 by means of Speed Post seeking cancellation of electricity service connection in the name of the 2nd Respondent in respect of the Suit property. As no action is taken on her complaint, the Petitioner has come up with the present Writ Petition.

4.Learned counsel for the Petitioner submitted that, it would suffice if a direction is issued to the 1st Respondent to consider the Petitioner's complaint dated 28.03.2019 in accordance with law, within a stipulated period.

5.In reply, learned Standing Counsel appearing for the 1st Respondent submitted that, the Petitioner issued a No Objection Certificate in favour of the 2nd Respondent and only thereafter, electricity service connection in respect of the Suit property was effected in the 2nd Respondent's name.

6.As it is represented that, only after issuance of No Objection Certificate by the Petitioner in favour of the 2nd Respondent, electricity service connection in respect of the Suit property has been transferred in the name of the 2nd Respondent and taking note of the fact that, the Suit in O.S.No.10 of 2019 initiated by the Petitioner against the 2nd Respondent, is pending before the III Assistant District Court, Vellore, I am of the considered view that, the Petitioner cannot seek any relief before this Court pertaining to the Suit property.

7.In view of the foregoing, this Writ Petition is dismissed with liberty to the Petitioner to work out her remedy before the competent Civil Court, where the Suit is pending. No costs.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

(aeb)



To:

The Executive Engineer,
TNEB, Vaniyambadi Division,
New Town, Nethaji Nagar,
Vaniyambadi,
Vellore District - 635 751.

+1cc to Mr.L.Jai Venkatesh, , Advocate SR.No.61037

W.P.No.17038 of 2019

PL(CO)
GN(13/12/2021)