



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.17538 OF 2019

K.Madhavan

... Petitioner

.Vs.

1. The Chief Engineer,
Southern Region,
Tamil Nadu Generation and Distribution
Corporation (TANGEDCO),
No.144, Anna Salai,
Chennai - 600 002.
2. The Superintending Engineer (CEDC),
Tamil Nadu Generation and Distribution
Corporation (TANGEDCO),
K.K.Nagar,
Chennai - 600 0078.
3. The Public Relations Officer,
Tamil Nadu Generation and Distribution
Corporation (TANGEDCO),
No.144, Anna Salai,
Chennai - 600 002.
4. The Executive Engineer/O&M,
Tamil Nadu Generation and Distribution
Corporation (TANGEDCO),
Adyar, Chennai - 600 113.
5. The Assistant Executive Engineer/O&M,
Tamil Nadu Generation and Distribution
Corporation (TANGEDCO),
Tharamani, Chennai - 600 113.
6. The Assistant Engineer/O&M,
Tamil Nadu Generation and Distribution
Corporation (TANGEDCO),
Chinnamalai, TNEB 33/11 KV,
IIT Substation Complex,
IIT Madras, Chennai - 600 036.



7. Dr.R.Jayachandran

8. Kala Jayachandram

... Respondents

WEB COPY
PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing Respondents 1 to 6 from granting electricity connection on the application of Respondents 7 and 8 to the property nearing New Door No.35, Old Door No.25-B, Ranjith Road, Kotturpuram, Chennai-600 085.

For Petitioner : Mr.V.G.Suresh Kumar

For Respondents 1 to 6 : Mr.L.Jai Venkatesh

For Respondents 7 & 8 : Mrs.Chitra Sampath
Senior Counsel

O R D E R

Petitioner has come up with this Writ Petition seeking to forbear Respondents 1 to 6 from granting electricity connection on the application of Respondents 7 and 8 to the property nearing New Door No.35, Old Door No.25-B, Ranjith Road, Kotturpuram, Chennai - 600 085.

2. According to the Petitioner, he is the absolute owner of the property bearing New Door No.35, Old No.25-B, Ranjith Road, Kotturpuram, Chennai. While so, one Ahmed Sheriff claimed title to the property on the premise that, Rokka Patta had been issued to his mother, viz. Pyari Ammal. The said claim, based on Rokka Patta, has been found to be without any basis by this Court by a judgment dated 04.10.2001 in O.S.A.Nos.117 and 278 of 1992 and the Court held that, Pyari Ammal has failed to prove her title to the property. In spite of the same, the said Ahmed Sheriff purported to sell the property to the 7th and 8th Respondents under the Sale Deed dated 23.05.2014 registered as Document No.276 of 2015.

3. The said Ahmed Sheriff (since deceased) filed O.S.No.8199 of 2010 on the file of the City Civil Court, Chennai, praying for a permanent injunction restraining the



Petitioner from disturbing his alleged possession of the property in question. He also filed an Application for interim injunction in I.A.No.14530 of 2010 seeking to restrain him from disturbing his alleged possession. The said Application went up on Revision to this Court and by an order dated 02.12.2011 made in C.R.P.Nos.2101 and 2102 of 2011, this Court found that the Petitioner is in possession of the property in question and that, the said Ahmed Sheriff is not in possession of the property.

4. Thereafter, when Respondents 7 and 8 attempted to lay a claim to the property by means of a fraudulent Sale Deed purported to have been executed by Ahmed Sheriff, the Petitioner filed O.S.No.746 of 2019 on the file of the City Civil Court, Chennai, praying to declare the Sale Deed dated 23.05.2014 executed in the favour of Respondents 7 and 8 herein, as fraudulent. However, Respondents 7 and 8 herein applied for electricity connection to the Petitioner's property. Hence, the Petitioner sent a letter dated 17.06.2019 to Respondents 1 to 6 herein calling upon them to desist from granting electricity service connection to the property in question. In spite of the Petitioner's objections, the 5th Respondent has categorically stated on 18.06.2019 that, electricity connection would be given to the property in question. Hence, having no other alternative, Petitioner has come up with this Writ Petition.

5. Learned counsel for the Petitioner submitted that, the Petitioner is in possession of the property in question and has obtained electricity connection under Consumer No.092 620 04789 and has been enjoying the said connection for more than ten years and that, Respondents 7 and 8 herein cannot claim title to his property.

6. Learned Standing Counsel appearing for Respondents 1 to 6 herein submitted that, Respondents 7 and 8 herein have made an Application for grant of electricity connection to the property in question and that, this Court may issue an order restraining the Respondents/TANGEDCO in processing their Application.

7. Taking note of the submissions of the learned counsel on either side and considering the facts and circumstances of the case, this Court directs Respondents 1 to 6/TANGEDCO not to process the Application submitted by Respondents 7 and 8 seeking electricity service connection, till the disposal of the Suit filed by the Petitioner herein in respect of title to the property in question. However, it is open to the Petitioner and



Respondents 7 and 8 to work out their remedy in the manner known to law.

The Writ Petition is disposed of accordingly. No costs. Consequently, connected W.M.P.No.17016 of 2019 is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

(aeb/skt)

To

1. The Chief Engineer,
Southern Region,
Tamil Nadu Generation and Distribution
Corporation (TANGEDCO),
No.144, Anna Salai,
Chennai - 600 002.
2. The Superintending Engineer (CEDC),
Tamil Nadu Generation and Distribution
Corporation (TANGEDCO),
K.K.Nagar, Chennai - 600 0078.
3. The Public Relations Officer,
Tamil Nadu Generation and Distribution
Corporation (TANGEDCO),
No.144, Anna Salai,
Chennai - 600 002.
4. The Executive Engineer/O&M,
Tamil Nadu Generation and Distribution
Corporation (TANGEDCO),
Adyar, Chennai - 600 113.
5. The Assistant Executive Engineer/O&M,
Tamil Nadu Generation and Distribution
Corporation (TANGEDCO),
Tharamani,
Chennai - 600 113.



WEB COPY

6. The Assistant Engineer/O&M,
Tamil Nadu Generation and Distribution
Corporation (TANGEDCO),
Chinnamalai, TNEB 33/11 KV,
IIT Substation Complex,
IIT Madras, Chennai - 600 036.

+1cc to Mr.V.G.Suresh Kumar, Advocate, S.R.No.58098
+1cc to Mr.L.Jai Venkatesh, Advocate, S.R.No.58343

W.P.NO.17538 OF 2019

GPL (CO)
PBS/27/12/2021