



WEB COPY



W.P.No.6884 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.6884 of 2014

and

M.P.No.2 of 2014

K.Pandian

...Petitioner

Vs

1.The Superintending Engineer,
TANGEDCO, Salem Distribution Circle,
Kamaraj Nagar Colony, Salem – 636 014.

2.The Assistant Engineer,
TANGEDCO, O & M,
Rural, Attur, Salem District.

3.The Tahsildar,
Attur Taluk, Salem District.

4.The District Consumer Forum,
Salem.

5.Selvam

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order dated 15.11.2011 made in complaint O.P.No.18/2011



W.P.No.6884 of 2014

passed by the 4th respondent and the consequential order passed by the second respondent in his proceedings Lr.No.U.pa.po./ela./pu.nagar/aa/ka.file/No.144/2013 dated 16.7.2013, quash the said orders dated 15.11.2011 and 16.7.2013 and consequently direct the second respondent to restore the electricity service connection bearing No.300 in the name of the petitioner.

For Petitioner : Mr.T.Sellapandian

For Respondents : Mr.L.Jai Venkatesh
Standing counsel
[For TANGEDCO]
[For R1 & R2]

Mr.C.Selvaraj
Additional Government Pleader
[For R3 & R4]

No appearance for R5

ORDER

The judgment of the District Consumer Redressal Forum, Salem, passed in O.P.No.18 of 2011 dated 15.11.2011 is under challenge in the present writ petition. Consequential direction is sought for to direct the 2nd respondent to restore the electricity service connection bearing No.300 in the name of the petitioner.



W.P.No.6884 of 2014

WEB COPY

2. The learned counsel for the petitioner made a submission that the Consumer Forum has no jurisdiction to adjudicate the title or the patta granted in favour of the writ petitioner. This apart, the 5th respondent, who is the complainant before the Consumer Forum, failed to implead the petitioner as a party respondent in the said complaint. In fact, the Tahsildar granted patta in favour of the petitioner and the District Consumer Forum ordered for transfer of electricity service connection, despite the fact that the petitioner is holding patta in respect of the subject property.

3. It is contended that the District Forum has no jurisdiction to adjudicate such disputes of civil nature, more specifically, regarding title or ownership of an immovable property.

4. However, this Court is of the opinion that the judgment passed by the District Consumer Redressal Forum is an appealable order and before the State Consumer Redressal Commission and thereafter, before the National Consumer Redressal Commission under the provisions of the Consumer Protection Act. The State Consumer Redressal Commission is



W.P.No.6884 of 2014

very much functioning and therefore, the writ petition is not entertainable under Article 226 of the Constitution of India. The petitioner ought to have approached the State Consumer Redressal Commission for the purpose of questioning the validity of the order passed by the District Consumer Redressal Forum. However, the writ petition is kept pending for about 6 ½ years before this Court. The said ground cannot be a point for entertaining a writ petition as the appeal lies before the State Consumer Redressal Commission under the provisions of the Act.

5. This being the factum, the petitioner is at liberty to approach the State Consumer Redressal Forum for the purpose of redressal of his grievances in the manner known to law. In the event of filing any such appeal before the State Consumer Redressal Forum, the said Forum shall consider the period during which the writ petition was pending before the High Court for the purpose of condoning the delay, if any such application is filed by the petitioner to condone the delay in filing the appeal.



W.P.No.6884 of 2014

6. With these observations, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

30.11.2021

Internet:Yes
Index : Yes
Speaking order:Yes
kak

To

- 1.The Superintending Engineer,
TANGEDCO, Salem Distribution Circle,
Kamaraj Nagar Colony, Salem – 636 014.
- 2.The Assistant Engineer,
TANGEDCO, O & M,
Rural, Attur, Salem District.
- 3.The Tahsildar,
Attur Taluk, Salem District.
- 4.The District Consumer Forum,
Salem.



WEB COPY



W.P.No.6884 of 2014

S.M.SUBRAMANIAM, J.

kak

W.P.No.6884 of 2014

30.11.2021