



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.18366 of 2020

and

W.M.P.No.22758 of 2020

N. Baby Saroja

...Petitioner

Vs.

1.The Executive Engineer (Electricity)
O & M, CEDC, Ponneri
Tiruvallur District.

2.The Junior Engineer (Electricity)
Arani, Ponneri Taluk,
Tiruvallur District.

3.The Assistant Engineer, (Electricity)
Panchatty, Ponneri Taluk,
Tiruvallur District.

4.K. Gangadharan

...Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to disconnect the E.B. Connection No.089.006.1314 in the name of the 4th respondent.

For Petitioner : Mr.K.Chandru

For Respondent R1 to R3 : Mr.Jai Venkatesh
EB SC

For Respondents R4 : M/S. S. Pranaviiji



O R D E R

The petitioner has filed the Writ Petition in W.P.No.18366 of 2020 seeking issuance of Writ of Mandamus directing the 1st respondent to disconnect the E.B. Connection No.089.006.1314 in the name of the 4th respondent.

2. The case of the petitioner is that the petitioner is owner of the property situated at Tiruvallur District, Ponneri Taluk, No.70, Chinamedu Village comprised in survey No.531/1, Patta No.63, totally measuring an extent of 72 cents by way of registered settlement deed document No.4614/2007. The 4th respondent is the petitioner husband's brother who was enjoying another piece of land nearby the petitioner's land and doing cultivation. With an intention to grab the property of the petitioner he encroached into his land and obtained electricity connection in his name. Hence, the petitioner gave a representation before the 1st, 2nd and 3rd respondent to disconnect the E.B. Connection given to the 4th respondent and the same was not considered by the Electricity Board. Challenging the grant of electricity connection to the 4th respondent, this Writ Petition is filed.

3. Learned counsel appearing for the petitioner submits that the petitioner is the absolute owner of the property and enjoying the same by way of settlement deed. However, the 4th respondent, who is the brother of the petitioner's husband has grabbed the property and obtained electricity connection without any tittle to the aforesaid property. He further submits that this Court may issue direction to the Electricity Board to disconnect the electricity which is granted in favour of the 4th respondent.

4. The learned Standing Counsel appearing for the respondents submit that there is title dispute between the petitioner and the 4th respondent and that he constructed his house under Prime Minister Housing Scheme and thereafter, got electricity connection from the Electricity Board. The civil dispute in between the parties has to be settled before the appropriate forum and the relief prayed for by the petitioner cannot be granted. However, liberty may be granted to the petitioner to work out his remedies in accordance with law.

5. On perusal of the records, it appears that the relation between the petitioner and the 4th respondent is not in dispute and admittedly the electricity connection has been given in favour of the 4th respondent. Further, even according to the parties civil dispute is pending and such being the case, the prayer sought for by the petitioner cannot be granted and, accordingly, this petition is dismissed. However, if the



petitioner has any grievances, it is open to the petitioner to file an appropriate suit before the competent Court and liberty is granted to the petitioner to workout his remedies in accordance with law. Consequently, connected Miscellaneous Writ Petition is closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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Copy To

- 1.The Executive Engineer (Electricity)
O & M, CEDC, Ponneri
Tiruvallur District.
- 2.The Junior Engineer (Electricity)
Arani, Ponneri Taluk,
Tiruvallur District.
- 3.The Assistant Engineer, (Electricity)
Panchatty, Ponneri Taluk,
Tiruvallur District.

+lcc to Mr.K.Krishnamoorthy, Advocate SR. No.59192
+lcc to Mr.L.Jai Venkatesh, Advocate SR. No.59189
+lcc to Mr.K.Chandru, Advocate SR. No.59252

W.P.No.18366 of 2020

NMI (CO)
PR (15/12/2021)