



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.24493 of 2021

And

W.M.P.No.25813 of 2021

E.Arasu

...Petitioner

Vs.

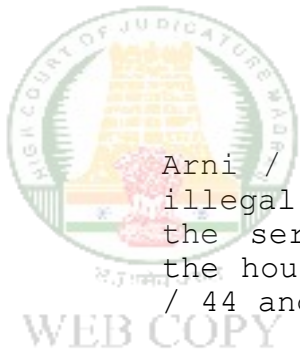
1. The Chief Engineer
Operation and Maintenance,
Tamil Nadu Electricity Board,
No.10, Old Power House Road,
Villupuram - 605 602.
2. The Superintending Engineer,
Operation and Maintenance,
Tamil Nadu Electricity Board,
Tiruvannamalai.
3. The Executive Engineer,
Operation and Maintenance,
Tamil Nadu Electricity Board,
Arni,Tiruvannamalai District.
4. The Assistant Executive Engineer,
Operation and Maintenance,
Tamil Nadu Electricity Board,
Arni,Tiruvannamalai District.
5. The Assistant Engineer
Operation and Maintenance,
Tamil Nadu Electricity Board,
Village East / Arni
Arni,Tiruvannamalai District.

6. Vinothkumar

...Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the orders of fifth respondent dated 06.10.2021 made in Ka.Enn:Voo.mi. po/E&P/ Gramiyam / Keezhaku / Arni / Koo.Pugar / A.Enn.148 / 2021-22, consequential order fifth respondent dated 22.10.2021, Ka.Enn:Voo. mi. po / E&P / Gramiyam / Keezhaku /



Arni / Koo. Pugar / A.Enn.159 / 2021 - 2022, to quash the same illegal and to further direct the fifth respondent to restore the service connection numbers 225-01601308, 225-016-1309 to the house properties belonged to petitioner situated in S.No.35 / 44 and 35 / 45 (Old S.F.No.35 / 1A1B).

For Petitioner : Mr.M.Suresh

For Respondents : Mr.L.Jai Venkatesh
Standing Counsel
for Electricity Board

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus to call for the orders of fifth respondent dated 06.10.2021 made in Ka.Enn:Voo.mi. po/E&P/ Gramiyam / Keezhaku / Arni / Koo.Pugar / A.Enn.148 / 2021-22, consequential order fifth respondent dated 22.10.2021, Ka.Enn:Voo. mi. po / E&P / Gramiyam / Keezhaku / Arni / Koo. Pugar / A.Enn.159 / 2021 - 2022, to quash the same illegal and to further direct the fifth respondent to restore the service connection numbers 225-01601308, 225-016-1309 to the house properties belonged to petitioner situated in S.No.35 / 44 and 35 / 45 (Old S.F.No.35 / 1A1B).

2.The case of the petitioner is that the petitioner is the owner of the property in S.No.35/1A1B to an extent of 4.30 acres and in S.No.35/3 to an extent of 0.70 cents in Velapadi Village Account, Arni Taluk, Tiruvannamalai District. However, the Thasildar of Arani has issued a Certificate in favour of the sixth respondent stating that the subject property stands in the name of the sixth respondent and based on the said Certificate, the sixth respondent gave complaint to the fifth respondent and based on the said complaint, the fifth respondent disconnected the electricity service connection pertaining to the subject property. Thereafter, the petitioner issued legal notice dated 18.10.2021 to the fifth respondent and sought for restoration of the service connection and since there was no response, has filed this writ petition.

3.The learned counsel appearing for the petitioner would submit that even assuming that the petitioner have no title over the property, electricity is a basic need and in various cases, this Court has held that even if there is title dispute, electricity service connection can be given by obtaining indemnity bond.

4.The learned Standing Counsel appearing for the Official



respondents submitted that the sixth respondent is claiming title over the subject property by obtaining Certificate from the Thasildar and the petitioner is claiming title over the subject property by obtaining Certificate from the Village Administrative Officer. Electricity service connection was granted in lieu of the title and on verification it is revealed that there is title dispute and hence the electricity service connection was disconnected and the parties may approach the competent civil forum for establishing the title over the property and hence the impugned order need not be disturbed.

5. Heard the arguments advanced on either side and perused the materials placed on record.

6. The sixth respondent is claiming title over the subject property by obtaining Certificate from the Thasildar and the petitioner is claiming title over the subject property by obtaining Certificate from the Village Administrative Officer. The Revenue Officials have no right to declare as to who have title over the subject property. Hence, the order impugned in the writ petition cannot be interfered with.

7. However, rendering any opinion on the merits of the case will adversely affect the petitioner as well as the sixth respondent. Hence, this Court refrains from rendering any opinion on the merits of the case. Liberty is granted to the petitioner to approach the competent civil forum and file appropriate petition for establishing the title.

8. With such liberty, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

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Operation and Maintenance,
Tamil Nadu Electricity Board,
Village East / Arni
Arni,
Tiruvannamalai District.

+1cc to Mr.M.Suresh, Advocate, S.R.No.60135

+1cc to Mr.L.Jaivenkatesh, Advocate, S.R.No.59715

W.P.No.24493 of 2021

And

W.M.P.No.25813 of 2021

KG (CO)
RGA (23/12/2021)