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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.30705 of 2019

And

W.M.P.No.30783 of 2019

A.S.Srinivasan

... Petitioner

Vs.

1.The Chairman and Managing Director,
Tamil Nadu Electricity Board,
No.144, 10th Floor, NPKRR Maaligai,
Anna Salai,
Chennai - 600 002.

2.The Executive Engineer - Marai Malai Nagar,
Office of the Executive Engineer / O and M / Maraimalai
Nagar,
TANGEDCO / 110 KV Sub Station Complex,
GST Road, Near Foard Company,
Maraimalai Nagar - 603 209.

3.The Assistant Engineer - Guduvancherry,
Office of the Assistant Engineer / O and M / Guduvancherry,
TANGEDCO / 33 KV Sub Station Complex,
West Guduvancherry, Chennai - 603 202.

4.Mr.S.Gnanasekaran

5.The Tahsildar,
Chengalpattu Taluk,
VOC Nagar, Chengalpattu,
Tamil Nadu - 603 001.

(R5 impleaded as per order dt. 19/12/2019
made in WMP.33724/2019 in
WP.30705/2019 by PDAJ)

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution
of India to issue a Writ of Certiorarified Mandamus to call for



the records of the second Respondent Letter bearing Ka.No. / E.E / O.M. / MMnagar / Tho.Nu. Vo / Ko.Ma.Ku.Thi / A.No.25 / 2016-2017, dated 19.04.2017 issued by the second respondent and to quash the same and consequently direct the Respondents One to Three to disconnect the Electricity Service Connection bearing No. 568-013-282 and 568-013- 284 issued to the Fourth Respondent.

For Petitioner : Mr.Veangai.I.Prakash Raj

For Respondents : Mr.L.Jai Venkatesh for R1 to R3
Standing Counsel
Mr.T.Thiyagarajan for R4
Mr.K.Karthikeyan for R5
Government Advocate

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus to call for the records of the second respondent Letter bearing Ka.No. / E.E / O.M. / MMnagar / Tho.Nu. Vo / Ko.Ma.Ku.Thi / A.No.25 / 2016-2017, dated 19.04.2017 issued by the second respondent and to quash the same and to consequently direct the respondents 1 to 3 to disconnect the Electricity Service Connection bearing No. 568-013-282 and 568-013- 284 issued to the fourth respondent.

2.The case of the petitioner is that the petitioner is the owner of the subject property for which the fourth respondent obtained patta illegally from the Revenue Authorities and also obtained electricity service connection. Hence the petitioner made representation to the respondents seeking to disconnect the electricity service connection granted in favour of the fourth respondent, for which he received the impugned communication of the second respondent dated 19.04.2017 stating that based upon the revenue documents submitted by the fourth respondent, the electricity service connection was issued. Challenging the same, the petitioner has filed this writ petition.

3.The learned counsel appearing for the petitioner submitted that the subject property is a natham poromboke land and the petitioner is in possession of the property, however, the fourth respondent obtained electricity service connection and hence the petitioner made representation to the respondents seeking to disconnect the electricity service connection, for which the second respondent has sent the impugned communication



to the petitioner, which is not sustainable one.

4.This Court perused the impugned communication dated 19.04.2017 and it reveals that based on the documents submitted by the fourth respondent and as per the verification of the genuinity by the Revenue Department, electricity service connection has been provided.

5.In view of the above, the issued involved is disputed question of fact that cannot be decided in the writ petition filed under Article 226 of the Constitution of India. If the petitioner have any grievance, he has to approach the competent Civil Forum to establish the title. Hence, this Court is not inclined to interfere in the impugned communication.

6.This writ petition is accordingly dismissed. However, liberty is granted to the petitioner to work out the remedy in the manner known to law. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

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To

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4.The Tahsildar,
Chengalpattu Taluk,
VOC Nagar, Chengalpattu,
Tamil Nadu - 603 001.

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+1cc to Mr.T.Thiyagarajan, Advocate SR.No.66734
+1cc to the Government Pleader SR.No.67461

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And
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PM(CO)
GN(21/01/2022)