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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25-01-2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.14467 of 2012

And

MP No.1 of 2012

D.Sivaraj

...Petitioner

vs.

1. The Superintending Engineer,
Tamil Nadu Electricity Board,
Dharmapuri District,
Dharmapuri.

2. The Assistant Engineer (O&M),
Tamil Nadu Electricity Board,
Bargur Village Division,
Krishnagiri District.

3.Samraj

...Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, forbearing the respondents 1 and 2 from providing the Electricity Service Connection for the house situate at Oppathawadi Village, Krishnagiri Taluk and District, comprised in Old Survey No.686 and Resurvey No.686/8B, till the disposal of the appeal pending before the Revenue Divisional Officer, Krishnagiri.

For Petitioner : Mr.C.Prabakaran

For Respondents-1 and 2 : Mr.L.Jai Venkatesh,
Standing Counsel for TANGEDCO.

For Respondent-3 : Mr.M.Jayachandran



O R D E R

The relief sought for in the present writ petition is to forbear the respondents 1 and 2 from providing the Electricity Service Connection for the house situate at Oppathawadi Village, Krishnagiri Taluk and District, comprised in Old Survey No.686 and Resurvey No.686/8B, till the disposal of the appeal pending before the Revenue Divisional Officer, Krishnagiri.

2. The petitioner states that he purchased the property measuring to an extent of acres 0.25 cents. Subsequent to the purchase, the petitioner made representation on 06.05.2008 to the Revenue Authorities for issuance of Patta, Chitta and Adangal Extract. However, no action has been initiated on the representation submitted by the petitioner. Contrarily, the patta has been obtained by the third respondent by way of misrepresentation and fraud.

3. The application submitted by the petitioner for providing Electricity Service Connection is also not considered by the Authorities.

4. The learned counsel for the third respondent states that the third respondent is the owner and in the event of any dispute regarding title or ownership, the parties are bound to approach the Competent Civil Court of Law. Unless the required documents are produced, the Board will not be in a position to consider the application of the petitioner.

5. This Court is of the considered opinion that while submitting an application for providing Electricity Service Connection, the applicant is expected to submit all the required documents along with the informations sought for by the Authorities. In the event of any dispute regarding ownership or title, the same is to be resolved between the parties by approaching the Competent Civil Court of Law.

6. Contrarily, the Electricity Board Authorities cannot decide such civil disputes and only in the event of furnishing all the required documents, the Authorities will be in a position to consider the application submitted by the petitioner for the purpose of providing Electricity Service Connection. Thus, the petitioner is at liberty to submit all the required documents to establish his rights, ownership or title and the Authorities Competent shall consider the same in accordance with the provisions of the Act. Thus, the application is to be considered by following the procedures as contemplated under law.



7. With the abovesaid liberty, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

Svn

To

1. The Superintending Engineer,
Tamil Nadu Electricity Board,
Dharmapuri District,
Dharmapuri.

2. The Assistant Engineer (O&M),
Tamil Nadu Electricity Board,
Bargur Village Division,
Krishnagiri District.

+1 CC to Mr.L.Jaivenkatesh, Advocate sr 4951.

W.P.14467 of 2012

GPL (CO)
SP(08/02/2022)