



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 16.03.2022

CORAM:

THE HON'BLE MR.JUSTICE M.GOVINDARAJ
WP NO.8607 OF 2010

WEB COPY

Thambiraj

... Petitioner

Vs.

1.The Chairman
Tamil Nadu Electricity Board
Chennai.

2.The Executive Engineer
Tamil Nadu Electricity Board
Puzhal,
Chennai - 600 052.

3.The Assistant Divisional Engineer
Tamil Nadu Electricity Board
Sub-Station
Puzhal, Chennai - 600 052.

4.John Amarnath

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents 1 to 3 to take appropriate steps in this regard and to sever the Electricity Service connection given in favour of the fourth respondent in respect of two sheds put up in Plot Nos.47, 48 & 49 of Annai Nagar, comprised in Survey No.193/1A6 of Soorapet Village.

For Petitioner :	Mr.C.Johnson
For Respondents:	Mr.L.Jai Venkatesh
1 to 3	Standing Counsel

O R D E R

The petitioner is the owner of three housing plots bearing Nos.47, 48 and 49, Survey No.193/1A6, in Annai Nagar Layout, Soorapet Village, Ambattur Taluk, having purchased by way of a registered Sale Deed dated 17.04.2009. However, the fourth respondent without any valid title and without obtaining planning or building permission from the concerned authorities



had constructed a house and obtained electricity service connection from the respondents 1 to 3. On knowing the illegal act done by the fourth respondent, the petitioner issued a legal notice dated 05.04.2007 to the fourth respondent. The petitioner also issued legal notice to the third respondent on 23.10.2009 calling upon the respondents 1 to 3 to disconnect the electricity service connection given to the plots owned by the petitioner. Since no action has been taken by the respondent Electricity Board, the petitioner is before this Court.

2. Resisting the allegation, the official respondents have filed a counter stating that the fourth respondent filed an application on 30.09.2008 for a new service connection for the premises at Plot Nos. 47, 48 and 49 in Survey No. 193/1A6, Soorapet Village, Ambattur Taluk, by producing the house tax receipts to show his lawful occupation of the year 2008-2009. Therefore, they have effected two new service connections in favour of the fourth respondent. Further, the petitioner has rushed to this Court without making any representation to the respondent Electricity Board and therefore, the writ petition is not maintainable and liable to be dismissed.

3. Heard the submissions made on either side and perused the materials available on record.

4. Admittedly, the fourth respondent constructed a house and obtained a house tax receipt for getting the service connection from the respondents 1 to 3. Thus, his possession over the suit property stands proved. Further, the respondents 1 to 3 have granted service connection after following the procedures laid down by the statute and after confirming the possession of the property with the fourth respondent. Therefore, I do not find any discrepancy in the action of the respondents 1 to 3.

5. At the same time, the petitioner produced a registered Sale Deed and would submit that he has already filed a Civil Suit and it was decreed in his favour. The matter is pending in appeal preferred by the fourth respondent. In such circumstances, this Court is not in a position to decide the matter on merits. The disconnection of electricity claimed by the petitioner is subject to the disposal of the appeal preferred by the fourth respondent. Therefore, the disconnection cannot be ordered at this juncture. However, a direction is given to the petitioner to submit a fresh representation along with the judgment copy of the Trial Court and on such representation being received, the respondents 1 to 3 are directed to consider the same and pass orders, on merits and in accordance with law.



6.The writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CS II)

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//True Copy//

Sub Assistant Registrar

TK

To

1.The Chairman
Tamil Nadu Electricity Board
Chennai.

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Tamil Nadu Electricity Board
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Chennai - 600 052.

3.The Assistant Divisional Engineer
Tamil Nadu Electricity Board
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Puzhal, Chennai - 600 052.

+1 cc to Mr.C.Johnson, Advocate Sr.NO.17710

+1 cc to Mr.L.Jai Venkatesh, Advocate Sr.NO. 17729

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pa(CO)

A.SK(31/05/2022)