



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2022

CORAM

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

W.P.No.2724 of 2015
and M.P.Nos.1 and 2 of 2015

1. P.Shanmuga Velayutham

2. P.Myilsamy

... Petitioners

Vs.

1. The Executive Engineer,
Tamil Nadu Electricity Board,
Coimbatore Distribution Circle - North,
Pogalur Section, Mettupalayam - 641 301.

2. The Assistant Executive Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Coimbatore Section, Mettupalayam - 641 301.

3. Savithri

... Respondents

PRAYER: The Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records from the file of the first respondent made in க.எண்.செ.பொ.இ&பே மேபா கோ.புகார் மனு ஆ.எண்.2656/2014 dated 14.11.2014 and quash the same and further direct the first and second respondents to change the service connection Nos.152-001-221, 420, 140 & 335 standing in the name of the petitioner's father Periyasamy Gounder in favour of the petitioners on the basis of the Settlement Deeds bearing Nos.4107 and 4108 of 2012 dated 29.03.2012 registered in the SRO of Mettupalayam, Coimbatore.

For Petitioners	:	M/s.SU.Srinivasan
For Respondent		
Nos.1 & 2	:	M/s.Abdul Kalam Standing Counsel



O R D E R

The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to call for the records from the file of the first respondent made in க.எண்.செ.பொ.இ&பே மேபா கோ.புகார் மனு அ.எண்.2656/2014 dated 14.11.2014 and quash the same and further direct the first and second respondents to change the service connection Nos.152-001-221, 420, 140 & 335 standing in the name of the petitioner's father Periyasamy Gounder in favour of the petitioners on the basis of the Settlement Deeds bearing Nos.4107 and 4108 of 2012 dated 29.03.2012 registered in the SRO of Mettupalayam, Coimbatore.

2. The petitioners are the sons of one Periyasamy Gounder and they have a sister, who is the third respondent herein. According to the petitioner, they have derived the title to the property through the Settlement Deed executed by their father. With the strength of the Settlement Deed they approached the first respondent for transfer of name of the service connection in their favour. The third respondent, sister, raised an objection for transfer of name of the service connection. Therefore, the respondent Nos.1 and 2 have directed the parties to approach the Civil Court and get a decree for the purpose of transfer. Challenging this communication, the Writ Petitioners have approached this Court.

3. According to the learned counsel for the Writ Petitioner, the petitioners are the absolute owners of the property by virtue of the Settlement Deed. Therefore, the official respondents are bound to transfer the service connection in their favour.

4. I have considered the submissions.

5. It is true to state that the petitioners have claimed the title based on the Settlement Deed. But, their own sister challenges the validity of the Settlement and transfer of name on the basis of the same. When the Settlement Deed falls under cloud, it is only for the Competent Civil Court to settle the issue. The TANGEDCO cannot decide the title of the parties. Therefore, either the petitioner or the third respondent shall approach the Civil Court with respect to the declaration of the title over the property. However, till such time, the TANGEDCO may not be in a position to transfer the service connection in favour of the petitioners and this Court is not inclined to give a direction usurping the jurisdiction of the Civil Court.



6. Therefore, the claim made by the petitioners in the Writ Petition is not sustainable as of now. However, a direction is given to the respondent Nos.1 and 2 not to disconnect the electricity service connection till a decree and judgment is passed by the Competent Civil Court with regard to the declaration of title.

The Writ Petition is disposed of with the above observations. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

asi
To

1. The Executive Engineer,
Tamil Nadu Electricity Board,
Coimbatore Distribution Circle - North,
Pogalur Section, Mettupalayam - 641 301.
2. The Assistant Executive Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Coimbatore Section, Mettupalayam - 641 301.

W.P.No.2724 of 2015
and M.P.Nos.1 and 2 of 2015

kk[co]
srg 31/03/2022