



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.No.33077 of 2013

MP.No.1 of 2013

G.Omana

... Petitioner

Vs.

1. The Superintending Engineer
Chennai EDC/ South
Tamilnadu Electricity Board,
110-Kv, SS Complex,
Anna Nagar Main Road, K.K. Nagar
Chennai-600078.
2. The Assistant Divisional Engineer
(Operation & Maintenance)
Chennai EDC/ South Tamilnadu Electricity Board
No.46-A, Velachery Main Road,
Velachery, Chennai-600042.
3. The Assistant Executive
Engineer (O&M) Chennai EDC/South
Tamilnadu Electricity Board
No.46-A, Velachery Main Road,
Velachery, Chennai-600042.
4. G.Ramakrishnan
5. Sridevi Vijayakumar ... Respondents

(R5-Impleaded as Per order dated 04/03/2014
made by CSKJ in MP No. 1/14)

Prayer : Writ Petitions filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd and 3re respondents to receive the petitioners two name transfer applications dated 21.11.2013 of Domestic Electricity supplies at Door No.6 Plot No.216 Mariamman Koil Street, Tharamani, Chennai-600113, Tharamani Village and Mambalam-Guindy Taluk and to effect the name transfers of the Domestic Electricity connections according to law.

For Petitioner : M/s Vaani and Menon

For Respondents : Mr.L.Jai Vekatesh
for TANGEDCO [R1 to R3]
Mr.T.Arul [R4]
Mr. A.Muthukumar[R5]



O R D E R

The writ petition is filed to direct the respondents 2 and 3 to receive the petitioners two name transfer application dated 21.11.2013 of domestic electricity supply at Door No.6, Plot No.216, Mariamman Koil Street, Tharamani, Chennai-113, Tharamani Village and Mambalam-Guindy Taluk and to effect the name transfers.

2. The grievances of the writ petitioner is that the name transfer application submitted by the petitioner for transferring the name in the electricity service connection has not been considered by the Authorities. The petitioner states that she is the owner of the land and building at Door No.6, Plot No.216, Mariamman Koil Street, Tharamani, Chennai-113.

3. It is further contended by the learned counsel for the petitioner that the petitioner obtained ownership and possession of the property through a registered Settlement Deed No.1533 of 2011 dated 22.07.2011 executed by her husband, Mr.K.Govinan, at the office of the Sub-Registrar, Adayar, Chennai-600020 on 22.07.2011. The conveyance of the property was inclusive of the existing domestic electricity service connection as mentioned in the schedule of assets as shown in the settlement deed. There were two domestic electricity service connections which were existing at the said premises at the time of conveyance of the property through the settlement deed. These MES connections stand in the name of the son of the petitioner Mr.G.Ramakrishnan, the 4th respondent. The petitioner now wants to transfer the same in her name under the procedures prescribed under regulation No.5 (7) (ii) of the Tamil Nadu Electricity Supply Code of 2004.

4. The learned counsel for the petitioner made a submission that the petitioner is a senior citizen and by taking undue advantage of her age, her son along with other persons is attempting to prevent her from enjoying the property which is settled in her favour by her husband. The parties have raised several disputes regarding the unregistered sale deed and other settlement deeds.

5. The learned counsel for R1 to R3 reiterated that the identification of the subject property is itself in dispute and therefore, the case of the petitioner is not based on the actual facts and thus, it is liable to be rejected.

6. Understanding the facts and circumstances, this Court is of the considered opinion that such Civil Rights of the parties need not be decided in the present writ proceeding as the relief sought for is to consider the transfer application filed by the petitioner to transfer the name in the electricity service connection. In the event of any finding in respect of the Civil Rights of the parties, the same will



affect either of the parties for adjudication of their Civil Rights, if such circumstances arises. Contrarily, for the limited purpose of considering the application for name transfer, the Authorities may consider all the admissible valid documents for passing appropriate orders on the transfer application. Regarding the other disputes, validity of the documents or otherwise, the parties are bound to approach the competent Court of Law for declaration or otherwise. However, it is made clear that the respondents have to consider the registered documents for the purpose of ascertaining the ownership and taking a decision. The unregistered sale deed cannot be relied upon for the purpose of conferring a title of any person. In view of the fact that there is an issue regarding the identification of property, the authorities shall conduct an inspection with reference to the registered documents to be submitted by the respective parties, consider the transfer application and take a decision in accordance with the regulations.

7. This being the factum, the 1st respondent, Superintending Engineer is directed to conduct an enquiry by affording an opportunity to all the parties concerned and by considering the registered documents, dispose of transfer application submitted by the writ petitioner dated 21.11.2013, within a period of 8 weeks from the date of receipt of a copy of this order. The parties are at liberty to submit their respective registered documents and establish their case. The 1st respondent is directed to conduct a field inspection regarding identification of the property and accordingly, consider the issues between the parties and pass appropriate orders. Till the decision is taken by the Superintending Engineer in the application, the respondents shall not disconnect the electricity service connection already provided to the parties in their respective premises.

8. With these observations the writ petition stands disposed of. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

shr/ska



To

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Tamilnadu Electricity Board
No.46-A, Velachery Main Road,
Velachery, Chennai-600042.

+2 ccs to M/s Vaani and Menon., Advocate Sr.NO. 4555
+1 cc to Mr.L.Jai Vekatesh , Advocate Sr.NO.4232
+1 cc to Mr.T.Arul ., Advocate Sr.NO. 4521

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pmk (CO)
A.SK(09.02.2022)