



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.26695 of 2016

and

W.M.P.No.22920 of 2016

V.P.Arumugam

... Petitioner

Vs

1. The Chairman (TANGEDCO),
Annasalai, Chennai - 600 002.
2. The Assistant Executive Engineer,
O & M, TANGEDCO,
Sholingar,
Vellore District.
3. Junior Engineer,
O & M Town, TANGEDCO,
Sholingar,
Vellore District.

4. K.Subramani

...Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorari, to call for the records relating to the proceeding Ku.En.027/VU.CA.PO/E & PA/SHOLI/KO/C.O. Switch VA/AA/2016-17 dated 26.05.2016 by the Assistant Executive Engineer, O & M, TANGEDCO, Sholingar, the 2nd Respondent herein, and quash the same is illegal and consequently direct the 2nd respondent to restore the electricity service connection bearing Reg.No.271-11-420 5HP to the petitioner's well.

For Petitioner :Mr.A.Balasingh Ramanujam

For Respondents :Mr.L.Jaivenkatesh,

For TANGEDCO, For R1 to R3.

Mr.S.Shanmugasundaram,

For R4.



O R D E R

The order dated 26.05.2016 canceling the change over is under challenge in the present writ petition.

2. The change over was cancelled by the respondent Authorities based on the objections raised by the fourth respondent. The 4th respondent raised an objection stating that he is having a share of 11/12 in respect of the subject well and therefore, the change over cannot be granted in favour of the petitioner. Due to the objections raised by the fourth respondent, the change over has been cancelled.

3. When the fourth respondent is claiming right in respect of the property in question, then, the petitioner has to submit all the relevant documents and if still the dispute exists, the petitioner has to approach the competent Civil Court of law for the purpose of resolving the issues and to crystallize the civil rights of the parties.

4. Contrarily, the TANGEDCO Authorities cannot decide the title or ownership in respect of the property. So also, the High Court cannot give any finding in respect of such civil rights in a writ proceedings filed challenging the cancellation of change over order passed by the fourth respondent. Therefore, the petitioner is at liberty to approach the Authorities by producing all the relevant documents and if those documents are insufficient to establish the civil rights of the petitioner, then, the petitioner has no option but, to approach the competent civil court of law for the purpose of establishing the civil rights and only thereafter that, the Authorities will be in a position to consider the request of the petitioner.

5. With these Observations, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VIII)

// True Copy //

Sub Assistant Registrar

kmm



To

1. The Chairman (TANGEDCO),
Annasalai, Chennai - 600 002.

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2. The Assistant Executive Engineer,
O & M, TANGEDCO,
Sholingar,
Vellore District.

3. Junior Engineer,
O & M Town, TANGEDCO,
Sholingar,
Vellore District.

+lcc to Mr.L.Jaivenkatesh, Advocate SR.No.6155

+lcc to Mr.A.Balasingh Ramanujam, Advocate SR.No.5734

W.P.No.26695 of 2016

GMR(CO)
CB(18/02/2022)