

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.21624 of 2019

S. Dhanalakshmi @ Rosaline Mary,
Rep. By her Power of Attorney
M/s.S.Israel Durai,

..Petitioner

Vs.

1.The Chairman
Tamil Nadu Generation & Distribution Corp. (TANGEDCO)
No.144, Anna Salai, Chennai 600 002.

2.The Supeintendent Engineer,
(EDC-SOUTH), TANGEDCO,
No.144, Anna Salai, Chennai 600 002.

3.The Assistant Executive Engineer,
Operation and Maintenance,
No.33/11, KV Alandur SS Complex,
M.N.Road, Alandur.

4.The Tahsildar,
Taluk Office, Alandur,

5.Tapan Kumar

6.S.Rajagopal

7.M.N. Ramamurthy

8.S.Jayaraman

9.S.Vaidyanathan

10.Anitha

11.K.N.Srinivasan

12.D.Moses Sampath Kumar

13.R.Sankaran

14.Daniel Devanesan

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Mandamus, directing the respondents 1 to 3 to disconnect the electricity service connection in New Door No.8, Creative Apartment in Survey No.77/2(T.S.No.3), Situated at 2nd Main Road, Thillai Ganga Nagar, Adambakkam, Chennai 600 061.

For Petitioner : Mr.R.Venkatesulu

For Respondents : Ms.V.Revathy
for Mr.L.Jaivekatesh
Standing Counsel, for RR1 to 3
Ms.V.Yamunadevi
Spl. Government Pleader, for R4
Mr.P.Karikalan, for RR6 to 8, 10,11 & 13
No appearance - RR5, 9, 12 & 14 (served)

O R D E R

The petitioner seeks disconnection of the electricity service connection granted to the respondents 6 to 11 and 13 in Door No.8, Creative Apartments in Survey No.77/2 (TS.No.3), 2nd Main Road, Thillai Ganga Nagar, Adambakkam, Chennai - 61.

2.The petitioner claims to have purchased the property in Survey No.77/1 & 2 on 14.01.1980. Claiming that the respondents have put up construction over his property and obtained electricity connection, the petitioner seeks disconnection.

3.The private respondents namely, 6 to 11 and 13 would contend that they had purchased the property in Survey No.77/2 (wrongly shown as 77/23 in the sale deed), Pymash No.639 under various sale deeds. The vendor of the respondents purchased the property from one Tapan Kumar on 22.08.1990. While the petitioner would contend that though the respondents have purchased some other property in Pymash No.639, they have put up construction in Survey No.637/ 1, which is relatable to 77 / 2, which has been purchased by the petitioner as early as on 14.01.1980 from one A.P.Rajagopalan. While the petitioner traces title through A.P.Rajagopalan, the respondents would trace title through one Vinaychandran, who had purchased the property on 18.05.1976.

4.I find that there is a very serious dispute regarding the title over the property. The respondents have put up constructions during the year 1991 immediately, after their purchase. The petitioner has made the first complaint seeking disconnection only in the year 2014. This litigation has

started 24 years after the construction had been put up. These complicated questions of fact, which involve title to immovable property, in my opinion, cannot be gone into in a proceeding under Article 226.

5.I do not think, a direction could be issued to the respondents for disconnection of electricity supply, which would involve a decision on the question of title by the Assistant Engineer or Executive Engineer of the Electricity Board, who in my opinion, are not qualified or equipped to pronounce upon title to immovable property. The most proper remedy that would be available to the petitioner is by way of a Civil Suit. Hence, leaving it upon to the petitioner to move the appropriate Civil Court, this Writ Petition is dismissed. None of the observations above would have any bearing on the proceeding before the Civil Court, if the petitioner choses to launch one. No costs.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

kkn

To:-

- 1.The Chairman,
Tamil Nadu Generation & Distribution Corp. (TANGEDCO)
No.144, Anna Salai, Chennai 600 002.
- 2.The Supeintendent Engineer,
(EDC-SOUTH), TANGEDCO, No.144, Anna Salai, Chennai 600 002.
- 3.The Assistant Executive Engineer,
Operation and Maintenance, No.33/11,
KV Alandur SS Complex, M.N.Road, Alandur.
- 4.The Tahsildar, Taluk Office, Alandur,

+1cc to M/s.Usha Ramman, Advocate SR. No. 44200
+1cc to Mr.L.Jaivekatesh, Advocate SR. No. 43878

W.P.No.21624 of 2019

PL (CO)
PR (27/07/2022)