



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.31769 of 2017

K.Vijaya,
W/o. V. Krishnan

... Petitioner

Vs.

1. The Chief Engineer O & M,
Tamil Nadu Electricity Board,
Erode Dt.
2. The Assistant Executive Engineer,
Kupannapalayam,
Kumarapalayam Taluk,
Namakkal Dt.
3. Tmt. Rajammal,
W/o. Velusamy

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 1st respondent to disconnect the electricity connection in the hut put up by the 3rd respondent in a grabbed land and to dispose of petitioner's petition dated 25.07.2017 on the file of the 1st respondent within a reasonable time as this Hon'ble Court may deem fit.

For Petitioner : Mr.G.Ravikumar

For Respondents : Mr.Abul Kalam
Standing Counsel for R1 & R2

Mr.J.Bharathiraja for R3

O R D E R

(The case has been heard through video conference)

This Writ Petition has been filed seeking a direction directing the 1st respondent to disconnect the electricity connection given to the hut put up by the 3rd respondent.



2. The grievance of the petitioner is that, she is the owner of the agricultural land in Survey Nos.302/12 to 20, and the 3rd respondent herein encroached a portion of the property and put up a hut therein. Subsequently, without her knowledge, the 3rd respondent has obtained electricity connection in her name. In the above circumstances, the petitioner had filed a petition before the 2nd respondent to disconnect the electricity service connection, that petition was not so far considered. Hence, the present Writ Petition has been filed seeking a direction.

3. Mr. G.Ravikumar, learned counsel appearing for petitioner would submit that, the 3rd respondent has encroached the petitioner property and illegally put up a hut and obtained electricity service connection. Even though several complaints given by the petitioner, no action has been taken by the 2nd respondent.

4. Mr. J.Bharathiraja, learned counsel appearing for 3rd respondent would submit that, there is a title dispute between the petitioner and the 3rd respondent. Subsequently, she has sold the property to a third party and the service connection was also transferred in the name of purchaser. Hence, she is no more in possession and enjoyment of the property.

5. Mr. Abul Kalam, learned standing counsel appearing for respondents 1 and 2 would content that, in pursuant to the petition given by the petitioner, enquiry was conducted, and the petitioner was directed to appear before the enquiry with relevant documents, but she failed to appear for enquiry.

6. Heard and considered rival submissions made by learned counsel appearing for both sides and perused the records.

7. Considering the fact that, now enquiry is pending before the 2nd respondent and it was stated that now the 3rd respondent has also transferred the property in favour of third party, the 2nd respondent is directed to conduct enquiry by issuing notice to the petitioner as well as subsequent purchaser, whose name, the service connection stands today and pass suitable orders on merits and in accordance with law. The petitioner is directed to submit relevant documents in respect of her title before the 3rd respondent at the time of enquiry. Accordingly, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

rpp



To

1. The Chief Engineer O & M,
Tamil Nadu Electricity Board,
Erode District.
2. The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
Kupannapalayam,
Kumarapalayam Taluk,
Namakkal District.

+2ccs to Mr.G.Ravikumar, Advocate, S.R.Nos.11444, 11642

W.P.No.31769 of 2017

RSN(CO)
SU(01/04/2022)