



Writ Petition No.33598 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 1/11/2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Writ Petition No.33598 of 2017

a n d

W.M.P.No.37150 of 2017

1. C. Thangamuthu (died)

2. T. Vedhanayaki

3. T.Nivedita

4. T. Nithesh Kumar

...

Petitioners

(P.2 to P.4 were substituted as Lrs of deceased sole petitioner
vide, order, dated 1/8/2022 made in W.M.P.No.1185 of 2022
in W.P.No.33598 of 2017 by RSMJ)

Vs

1. The Chairman
Tamil Nadu Electricity Board
144 Anna Salai
Chennai 600 002.

2. The Consumer Grievance Redressal Forum
rep. By its Chairman/Superintending Engineer
Tamil Nadu Electricity Board
Tiruppur.

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3. The Assistant Executive Engineer
Tamil Nadu Generation and
Distribution Corporation
Tiruppur Electricity Distribution Circle
Royapuram
Tirupur 641 601.

4. Latha ... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records relating to the impugned order dated 26/9/2017 made in Lr.No.AEE/O & M/Royapuram/File Sep./Lr.No.266/17-18 passed by the third respondent and quash the same and direct the respondents 1 to 3 to disconnect the temporary E.B.Service connection No.204-013-2252 issued in the name of the fourth respondent.

For petitioner ... Mr.N.Manokaran

For respondents ... Mr.Abul Kalam
Standing Counsel
for R.R.1 to 3

Mr.C.Prabakaran
for R.4



ORDER

This writ petition has been filed to quash the order, dated 26/9/2017, passed by the third respondent, in Lr.No.AEE/O & M/Royapuram/File Sep./Lr.No.266/17-18 and direct the respondents 1 to 3 to disconnect the temporary E.B.Service connection No.204-013-2252, issued in the name of the fourth respondent.

2. The facts which are necessary for the disposal of this writ petition are as follows:-

Even though objections were raised by the petitioner, third respondent has considered the application of the fourth respondent and granted temporary E.B service connection, by way of an impugned order, dated 26/9/2017, holding that the petitioner has not produced the ownership certificate from the Tahsildar. Being aggrieved, the petitioner has filed the instant writ petition.

3. Heard Mr.N.Manoharan, learned counsel for the petitioner, Mr.Abul Kalam, learned counsel for the respondents 1 to 3 and Mr.C.Prabakaran, learned counsel for the fourth respondent.



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4. The learned counsel appearing for the petitioners submitted that the third respondent had already granted temporary E.B service connection to the fourth respondent, in spite of the order passed by this Court, in W.P.No.37889 of 2016, on 22/6/2017. In fact, the petitioner had appeared before the third respondent, on 8/9/2017 and produced photo copies of all the documents to prove his title.

5. The learned counsel appearing for the fourth respondent submitted that there is a serious title dispute between the parties. 145 Proceeding was initiated and writ petition was also filed in this regard. He would further submit that the fourth respondent is in possession of the disputed property. In all the documents, viz., revenue records, water tax and property tax, name of the fourth respondent exist and hence connection has been given. He would further submit that Revenue Divisional Officer rejected the patta in favour of the petitioners, by an order, dated 24/6/2022. Hence opposed the writ petition.

6. Perused the materials available on record.



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7. The third respondent has not decided the title inter se but only seeks to verify prima facie on the title of the petitioner especially in the light of the objection raised by the fourth respondent. Pending suit, the petitioner has filed an application seeking temporary protection which was rejected. Being aggrieved, appeal has been filed.

8. Vide, order, dated 22/6/2017, this Court in W.P.No.37889 of 2016 has passed the following order:-

“It is needless to state that the petitioner will have to cooperate in the enquiry which would be conducted by the third respondent by furnishing all the documents in their possession to prove their right, either title or possession.”

9. There are serious proceedings pending in respect of the subject property and on the previous occasion, 145 proceeding was initiated which has been challenged in the writ petition in W.P.No.37889 of 2016, before this



Court. While disposing of the writ petition, at paragraph No.19, this Court has held as follows:-

“As directed by the fourth respondent, all the parties are directed to approach the concerned Civil Court for appropriate relief for their respective title over the property. The fifth respondent is also directed to issue patta to the petitioner subject to the result of the judgment and decree in the suits filed by the respective parties.

10. In view of the above backdrop, this Court is of the view that while deciding the issue as to whether the petitioner is entitled for service connection or not is a matter to be looked into by the third respondent. Merely because electricity connection was given on the basis of possession of the fourth respondent and also the name holder in all the documents, she cannot pinprick the situation, taking advantage of the impugned order. The said issue has to be decided only before the competent Civil Court. In the event, the petitioners establish their rights before the Civil Court, they can seek disconnection.



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12. With the above direction, this writ petition is disposed of. No costs.

Consequently, the connected Miscellaneous Petition is closed.

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Index : Yes / No

Internet: Yes

Speaking/non speaking order

mvs.

To

1. The Chairman & Managing Director
TANGEDCO
No.144 Anna Salai
Chennai 2.
2. The Chief Financial Controller (Revenue)
TANGEDCO
144 Anna Salai
Chennai 2.
3. The Superintending Engineer
Dindigul Electricity Distribution Circle
TANGEDCO
Dindigul.
4. The Superintending Engineer
Udumalpet Electricity Distribution Circle
TANGEDCO
Udumalpet.

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