



W.P.(MD)No.24584 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 31.10.2022

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THE HONOURABLE Mrs. JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.24584 of 2022

K.Veeraputhiran

.. Petitioner

Versus

1.The Assistant Electricity Engineer,
Distribution,
Tamil Nadu Generation and Distribution Corporation Limited,
Krishnapuram, Rajapalayam Taluk,
Virudhunagar District.

2.A.Parameswari

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the first respondent in his proceedings in L.No.AEE/D/K/Va.A/G.Notice/Aa.No.143/2022, dated 17.06.2022, quash the same as illegal, violation of law and further direct the first respondent to receive/accept the indemnity bond to continue the electricity supply to the house situated in Door No.4/24A, West Street, Ganapathy Sundara Nachiarapuram Village, Rajapalayam Taluk, Virudhunagar District.

For Petitioner : Mr.M.Jothi Basu

For 1st Respondent : Mr.S.Deenadhayalan
Standing Counsel



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ORDER

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The petitioner has prayed for issuance of a Writ of Certiorarified Mandamus, to quash the proceedings of the first respondent in L.No.AEE/D/K/Va.A/G.Notice/Aa.No.143/2022, dated 17.06.2022, and further direct the first respondent to receive/accept the indemnity bond to continue the electricity supply to the house situated in Door No.4/24A, West Street, Ganapathy Sundara Nachiarpuram Village, Rajapalayam Taluk, Virudhunagar District.

2.Heard Mr.M.Jothi Basu, learned counsel appearing for the petitioner and Mr.S.Deenadhayalan, learned Standing Counsel, who takes notice for the first respondent. By consent of the learned counsel appearing for the parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.According to the petitioner, he purchased the property, measuring an extent of 150 sq.ft., situated in S.Nos.28.10 and 29.1, Ganapathy Sundara Nachiarpuram Village and Panchayat, Rajapalayam Taluk, Virudhunagar District, from the erstwhile owners, namely, Ramaiah and Chellathai through an unregistered sale deed, dated 07.07.2003 and constructed a house therein. Thereafter, he obtained an electricity service connection and has paid the property tax and electricity service charges regularly. While the things stood



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thus, the second respondent, who is none other than the daughter of the erstwhile owners Ramaiah and Chellathai, submitted a representation before the Panchayat President, Sundara Nachiarapuram Village Panchayat, Rajapalayam Taluk, Virudhunagar District, to cancel the property tax assessment of the petitioner's building/house situated at Door No.4/24A, claiming that she is the real owner of the land. According to the petitioner, no registered sale deed has been executed in favour of the occupiers of the land and they shall be considered as encroachers.

4.Further, according to the petitioner, the Panchayat has cancelled the property tax assessment without any notice to the petitioner. On 30.07.2021, the second respondent herein has also submitted a representation before the first respondent to disconnect the electricity supply. Pursuant to the same, on 02.09.2021, the first respondent has sent a communication to the petitioner to produce Patta or any other documents in respect of the said property, which stands in his name. Further, on 17.06.2022 the first respondent has sent a communication to the petitioner to produce the valid residential proof in the said property as per Clause 27(4) of the Tamil Nadu Electricity Supply Distribution Code.



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5.The learned counsel appearing for the petitioner submitted that the petitioner obtained title to the property through an unregistered sale deed, dated 07.07.2003 and he is in uninterrupted possession and enjoyment of the property from the said date onwards. The second respondent is taking steps to vacate the petitioner from the property without filing a suit for recovery of possession. The petitioner has approached the first respondent and requested him to accept the indemnity bond and to continue the electricity supply. But, the first respondent has not given any reply so far. Hence, the petitioner has approached this Court by way of filing the present Writ Petition.

6.The learned Standing Counsel appearing for the first respondent submitted that the petitioner's representation would be considered upon production of valid residential proof and indemnity bond, within a time frame prescribed by this Court.

7.Considering the aforesaid facts and circumstances of the case, this Court directs the President, Sundara Nachiarapuram Village, Rajapalayam Taluk, Virudhunagar District, to give a certificate with regard to place of residence of the petitioner. Thereafter, the petitioner to submit a copy of the said certificate obtained from the President and an indemnity bond before the first respondent. On receipt of such documents, the first respondent shall



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consider the same and pass appropriate orders on merits and in accordance with law, after providing an opportunity of hearing to all the necessary parties.

The entire exercise shall be completed within a period of 16 weeks from the date of receipt of a copy of this order.

8.This Writ Petition stands disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

Index : Yes/No
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31.10.2022

To

The Assistant Electricity Engineer,
Distribution,
Tamil Nadu Generation and Distribution Corporation Limited,
Krishnapuram, Rajapalayam Taluk,
Virudhunagar District.

Copy to:-

The President,
Sundara Nachiarapuram Village,
Rajapalayam Taluk,
Virudhunagar District.



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V.BHAVANI SUBBAROYAN, J.

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Order made in
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