



W.P.No.1409 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.1409 of 2020

and

W.M.P.Nos.1665 and 1668 of 2020

S.Rm.M.Ct.M.Thiruppani Trust,
Represented by its Trustee,
Mr.M.Ct.P.Chidambaram,
No.202, Old No.742, Anna Salai,
Chennai – 600 002.
Petitioner

...

Vs.

1. The Executive Engineer,
Tamil Nadu Electricity Board,
Alandur – Guindy,
Chennai – 600 016.
2. The Assistant Engineer (O&M),
Tamil Nadu Electricity Board,
Alandur – Guindy,
Chennai – 600 016.
3. Tmt.Selvi,
Assistant Engineer (O&M),
Tamil Nadu Electricity Board,
Alandur – Guindy,



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Chennai – 600 016.

4. Smt.Padmavathi Ammal Trust,
Income Tax Colony,
Adambakkam,
Chennai – 600 016.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records of the second respondent vide proceedings No.Oo.Po.E&Po/Alandur/Ko/Kani/Neethimandram/No.219 dated 23.12.2019 and the consequential Email dated 15.01.2020 and quash the same and consequently, direct the respondents to continue uninterrupted service connection to the petitioner's Trust in service connection No.241-030-148.

For Petitioner : Mr.S.Ramesh

For Respondents : Mr.L.Jai Venkatesh for R1 & R2
Mr.K.Venkatachalam for R4
R3 - unclaimed

O R D E R

This Writ Petition has been filed to call for the records of the second respondent vide proceedings No.Oo.Po.E&Po/Alandur/Ko/Kani/Neethimandram/No.219 dated 23.12.2019 and the consequential Email dated 15.01.2020, quash the same and consequently, direct the respondents to continue uninterrupted service connection to the petitioner's Trust in service connection No.241-030-148.



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2. The case of the petitioner is that the petitioner's Trust was established in the year 1970 and the petitioner's Trust has been in possession and enjoyment of the property in T.S.No.154, Adambakkam Village, Thiruvallur Nagar, Adambakkam, Chennai for a period of 70 years. While so, one Padmavathi Ammal Trust, i.e., fourth respondent gave representation to the second respondent seeking for service connection for the very same property based upon certain documents issued by the Competent Authority under the provisions of the Minor Inam Abolition Act. As a matter of fact, the said proceedings were challenged by the petitioner's Trust before this Court in W.P.No.8754 of 2009 inasmuch as the petitioner's Trust had already been granted patta under the provisions of the Minor Inam Abolition Act as early as in the year 1973. Since the said Padmavathy Trust was seeking service connection based upon the document which had been obtained fraudulently, the petitioner's Trust was constrained to file a Writ Petition in W.P.No.21008 of 2009 seeking for a direction not to issue service connection to the said Padmavathi Ammal Trust and an order of stay was also granted by this Court. During the pendency of the said Writ Petition, a



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notification was issued by the Government to acquire a portion of the land comprised in T.S.No.154, Adambakkam Village for the purpose of CMRL Project. Accordingly, an award was passed in Award No.5 of 2012 dated 03.01.2012 acquiring 2 acres out of 4.32 acres. It is submitted that the service connection No.290-10-148 was situated in the land which was acquired by the Government. Therefore, the respondent Electricity Board disconnected the service connection and provided new service connection No.241-030-148 to the petitioner's Trust and the petitioner's Trust has been enjoying the service connection from the year 2011. In the meanwhile, the service connection was transferred in favour of Padmavathi Ammal Trust, subsequently the same was disconnected and again the same was restored in the name of the petitioner. However, the said Padmavathi Ammal filed a suit in O.S.No.211 of 1998 on the file of the Additional District Munsif, Alandur for the very same property. In the meanwhile, the first respondent issued a show cause notice calling upon the petitioner to produce title deeds of the property. Challenging the same, the petitioner has filed the present Writ Petition with the aforesaid prayer.



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3. The learned counsel appearing for the petitioner submitted that admittedly, there was a civil suit pending between the petitioner's Trust and Padmavathi Ammal Trust. Pending civil suit, the respondent Electricity Board issued an impugned show cause notice calling upon the petitioner to produce the title deeds is without jurisdiction and the Electricity Board have no power to decide the title in between the parties, since already the said Padmavathi Ammal Trust approached the civil court for appropriate remedy, if the impugned order is continued, it will affect the interest of the petitioner as well as the fourth respondent.

4. The learned counsel appearing for the fourth respondent would submit that already the civil suit is pending between the petitioner's Trust and Padmavathi Ammal Trust and hence, this Court may grant liberty to the petitioner's Trust and the Padmavathi Ammal Trust to workout the remedy in the manner known to law after disposal of the pending civil suit.



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5. Heard the learned counsel appearing for the petitioner, the learned counsel for the respondents 1 and 2 and the learned counsel for the fourth respondent.

6. The facts in the present case are not in dispute. Admittedly, the petitioner claimed that he is the owner of the property, for which, he obtained electricity connection and subsequently, the electricity connection was transferred in the name of Padmavathi Ammal Trust and again the same was restored in favour of the petitioner. The fact remains that, there was a property dispute pending between the petitioner's Trust and Padmavathi Ammal Trust in O.S.No.211 of 1998 and O.S.No.411 of 2003 on the file of the Additional District Munsif, Alandur. Pending civil suit, the respondent Electricity Board issued impugned show cause notice to the petitioner's Trust for production of the title deeds which cannot be allowed to continue.

7. In view of the above, the impugned show cause notice dated 23.12.2019 is set aside and the respondent Electricity Board is directed not



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to interfere with the petitioner's as well as the fourth respondent's property till the disposal of the civil suit. However, after disposal of the civil suit, the succeeding party is at liberty to file a fresh application for electricity connection. The respondent Electricity Board is directed to maintain the *status quo* till the disposal of the civil suit.

8. With the above observations and directions, this Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

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(1/3)

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

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To

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Alandur – Guindy,
Chennai – 600 006.
2. The Assistant Engineer (O&M),
Tamil Nadu Electricity Board,
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M.DHANDAPANI,J.

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