



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2023

CORAM

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.7259 of 2023
and WMP.No.7303 of 2023

S.Kamakshi

... petitioner

-Vs-

1. The Assistant Engineer,
Chennai Electricity Distribution South,
Thuraipakkam, Chennai.

2. S.Selvaraj

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, for issuance of Writs of Certiorarified Mandamus to call for the records of the respondents impugned order in Lr.No.AAE/MCN Nagar, D.No. /2023 dated 06.02.2023 and quash the same and further direct the respondent to disconnect the temporary connection given in No.299-004-342 dated 01.07.2022.

For petitioner : Mr. E.Kotteeswaran

For Respondent : Mr.D.Nandagopal, R2
Mr.L.Jaivenkatesh R1

ORDER

This petition has been filed seeking to quash the impugned order in Lr.No.AAE/MCN Nagar, D.No. /2023 dated 06.02.2023 and further direct the



respondent to disconnect the temporary connection given in No.299-004-342

dated 01.07.2022.

2. It is the case of the petitioner that the petitioner had purchased a vacant land situated at Pallikaranai Village, Thuraipakkam, Bethal Taluk, Sholinganallur Taluk, Chengalpet District comprised in Old S.No.706/1 and as per patta No.33181 in New survey No.706/23B measuring an extent of 3010.5 Sq.ft. In the year 2015 and the same is registered as document No.15514/2015 before the Sub Registrar, Saidapet, Chennai. At present, the petitioner is living at Trichy along with her family and she could not look after the above said property regularly. Taking advantage of her absence, the second respondent has prepared a document and put up a fence and obtained a temporary electricity connection. The petitioner has made a representation to the first respondent to disconnect the electricity connection and the same was not considered. Therefore, the petitioner has filed a writ petition before this Court to disconnect the electricity connection and the said writ petition was disposed of vide order dated 14.07.2022. Pursuant to which, the present impugned order has passed rejecting the petitioner's representation vide proceeding dated 06.02.2023. Challenging the same, the present writ petition has filed.



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3. The learned counsel for the petitioner submitted that the petitioner is the absolute owner of the site with title and possession. Based on the petitioner's complaint, the first respondent conducted field inspection on 27.12.2022 and the authorities arrived at a conclusion that the petitioner and the second respondent are claiming a righter over the same property in S.No.706/23B, which is not sustainable one. This Court may direct the first respondent to disconnect the electricity connection till the disposal of the dispute.

4. The learned counsel for the second respondent submitted that the second respondent purchased a land vide document No.6344/2013 dated 26.06.2013 in old S.No. S.No.706/1 New survey No.706/1A1A1 plot No.34 measuring an extent of 700 sq. ft. whereas the petitioner has purchased a land in the year 2015 measuring an extent of 3010.5 sq. ft. in Old.S.No.706/1 New S.No.706/23B. The petitioner without identifying her property in S.No.706/23/B claiming right over the second respondent's property comprised in S.No.706/1A1A1, which is not sustainable one. Hence, the learned counsel may dismissed the writ petition.



5. Heard the learned counsel on either side and perused the materials

available on record.

6. The facts of the case are not in dispute. Admittedly, the petitioner and the second respondent are claiming a right over the property in old S.No.706/1. However, the petitioner stated that she had purchased a vacant land measuring about 3010.5 sq.ft. Whereas the second respondent submitted that he had purchased a land measuring about 700 sq. ft. Further, there is a suit pending between the parties before the competent civil court with regard to the title over the properties.

7. Such being the factual situation, the first respondent have no power to give temporary electricity connection in favour the second respondent in respect of the disputed subject property in accordance with the rules and regulations of the Electricity Board. Therefore, this Court has to interfere with the impugned order passed by the first respondent.

8. Accordingly, the order passed by the first respondent dated 06.02.2023 is hereby set aside and the first respondent is directed to disconnect



the electricity connection which was granted in favour of the second respondent in respect of the disputed property in S.No.706/1. Further, this Court direct the petitioner and the second respondent to approach the competent civil Court to establish their right over the property and after resolving the dispute, the succeeding party shall approach the first respondent along with a copy of the order for getting electricity connection.

9. The writ petition is allowed with the above observation and direction. No costs. Consequently, connected miscellaneous petition is closed.

05.04.2023

rli

To

The Assistant Engineer,
Chennai Electricity Distribution South,
Thuraipakkam, Chennai.



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M.DHANDAPANI, J.

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