



W.P.No.12011 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **20.04.2023**

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.12011 of 2023

and

W.M.P.No.11859 of 2023

Thenmozhi

...Petitioner

Vs

1.The Managing Director,
TANGEDCO,
Tamil Nadu Electricity Board,
No.800, Mount Road,
Chennai – 02.

2.The Assistant Electrical Engineer,
TANGEDCO,
Operation & Maintenance,
South Tiruchencode,
Namakkal District.

...Respondents

Prayer : Writ 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 in Ka.No.umiPo/EiLaPaRa/TeTi.Codu/Ko.Pugar/Aa.No.356/22-23/08.02.23 dated 08.02.2023 of the 2nd respondent, quash the same and subsequently, direct the respondents to change name from Mr.Arumugam's name to the petitioner's name in the Electricity Connection No.177011.



W.P.No.12011 of 2023

For Petitioner : Ms.L.Aishwaryalakshmi
for M/s.R.K.Gandhi

For Respondents : Mr.S.Kalaiselvan
Standing Counsel

ORDER

The Writ Petition has been filed seeking to quash the proceedings of the second respondent dated 08.02.2023 and consequentially, to direct the respondents to change the name in Electricity Connection No.177011 from one Mr.Arumugam to the petitioner.

2. Mr.S.Kalaiselvan, learned Standing Counsel accepts notice for the respondents. In view of the consent expressed by the learned counsel appearing on either side, this petition is taken up for final disposal.

3. The case of the petitioner is as hereunder :

(i) The father of the petitioner one Mr.Arumugam executed a gift settlement deed in favour of the petitioner in respect of the property bearing door No.8/3B, Sanarpalayam Road, Suriyampalayam Post, Tiruchengode Taluk, Namakkal District vide doc.No.1651 of 2016 dated



W.P.No.12011 of 2023

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11.03.2016 on the file of the Sub-Registrar, Tiruchengode. Even on the same day, possession was handed over to the petitioner and she was in peaceful possession and enjoyment of the same.

(ii) Patta, water connection and electricity connection stand in the name of the petitioner. The petitioner also incurred expenses towards alteration and additional construction made in the property in question. She dug a borewell and fixed a new motor in the property, in which, she is residing.

(iii) While so, the petitioner came to know in August 2021 that the gift settlement deed executed in her favour was cancelled by her father by way of a deed of cancellation dated 07.09.2021 registered as doc.No.5843 of 2021 on the file of the Sub-Registrar, Tiruchengode. Rather, the petitioner's father executed a sale deed in favour of her elder brother one Mr.A.Jayavel dated 02.11.2021 registered as doc.No.7729 of 2021 on the file of the Sub-Registrar, Tiruchengode.

(iv) The petitioner's father is interfering with the peaceful possession and enjoyment of the property in question. Hence, the petitioner filed a civil suit in O.S.No.318 of 2021 on the file of the



W.P.No.12011 of 2023

learned Additional District and Sessions Court, Namakkal against her father, brother and three others seeking to declare the cancellation deed dated 07.09.2021 registered as doc.No.5843 of 2021 on the file of the Sub-Registrar, Tiruchengode as null and void and the same is pending.

(v) However, to her shock and surprise, though the petitioner is in possession and enjoyment of the property in question and she is paying electricity charges, the second respondent changed electricity connection No.177011 in the name of the petitioner's father without conducting any enquiry. Expressing her grievance, the petitioner gave a representation dated 08.02.2023 with all documents to the second respondent. However, the second respondent passed the impugned order without conducting any enquiry. Hence the writ petition.

4. The learned counsel for the petitioner submits that, as against the cancellation of settlement deed, already the petitioner had filed a suit in O.S.No.318 of 2021 on the file of the learned Additional District Judge, Namakkal for declaration declaring the cancellation deed vide Doc.No.5843/2021 dated 07.09.2021 as null and void. He also submits



W.P.No.12011 of 2023

that, when the civil suit is pending between the petitioner and her family, re-transferring the electricity service connection in favour of the petitioner's father is not sustainable. Hence, he prays for appropriate orders.

5. The learned Standing Counsel appearing for the respondents submits that, in the absence of any restraint order, the Electricity Board necessarily has to re-transfer the electricity service connection in favour of the petitioner. He also submits that, if the petitioner makes appropriate application before the respondents after succeeding in the civil suit pending before the concerned civil court, the same will be considered by the respondents.

6. Heard Ms.L.Aishwaryalakshmi, learned counsel for the petitioner and Mr.S.Kalaiselvan, learned Standing Counsel appearing for the respondents and perused the materials available on record.



W.P.No.12011 of 2023

WEB COPY

7. The facts in the present case are not in dispute. Admittedly, the petitioner's father executed a gift settlement deed in favour of the petitioner, thereby, she obtained electricity service connection in her name and again, the gift settlement deed was cancelled by the petitioner's father vide Doc.No.5843/2021 dated 07.09.2021. The petitioner has rightly challenged the cancellation of settlement deed before the concerned civil court in the above said suit and in the absence of any restraint order, re-transfer by the Electricity Board in favour of the petitioner's father cannot be interfered with.

8. Accordingly, the writ petition is disposed of granting liberty to the petitioner to file appropriate application before the respondents after succeeding in the civil suit pending before the concerned Civil Court. No costs. Consequently, the connected miscellaneous petition is closed.

20.04.2023

Index : Yes (or) No
Speaking order (or) Non-speaking order
Neutral Citation : Yes (or) No
sp



W.P.No.12011 of 2023

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