



WEB COPY



W.P.No.11496 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.11496 of 2020

and W.M.P.No.14040 of 2020

Evangelical Literature Service
New No.158, Old No.95A,
Vepery High Road,
Chennai-600 007,
Represented by its General Secretary

. . . Petitioner

Vs.

1. The Chairman
TANGEDCO
Anna Salai, Chennai
2. The Superintending Engineer,
TANGEDCO
Periamet, Chennai
3. The Assistant Executive Engineer,
TANGEDCO
Periamet, Chennai.

4. Amina Parveen.Z.H

. . . Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a writ or order, or direction and more particularly a Writ of Declaration declaring that the transfer of name in respect of the LT Service



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A/c.No.144—17-219 & 220 from the name of the petitioner to the name of the 4th respondent is arbitrary, contrary to rules, violative of the principles of natural justice, null and void.

For Petitioner : Mr.Ravikumar Paul
for M/s.Paul and Paul

For Respondents : Mr.L.Jaivenkatesh,
Standing Counsel for TANGEDCO
for R1 to R3

ORDER

This Writ Petition has been filed seeking to declare the transfer of LT Service Connection from the name of the petitioner to the 4th respondent.

2. The petitioner is in possession of the vacant land comprised in Door No.95 A, Vepery High Road, Vepery, Chennai-600 007 pursuant to the agreement of license executed by the American Baptist Foreign Mission Society referred to as ABFMS and the Property Association of Baptist Churches Pvt Ltd referred to as PABC. Based on the said agreement, the petitioner has constructed a building and availed LT Service Connection for business purpose. However, there is a suit in O.S.No.5573 of 2019 pending on the file of the III Assistant City Civil Court, Chennai in respect of the above said land. Pending the suit, the American Baptist Foreign Mission



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Society executed a fraudulent Sale deed dated 03.10.2019 in favour of his wife who is the 4th respondent, based on which, the 4th respondent transferred the EB connection in her favour which stood in the name of the petitioner. Aggrieved by the same, the petitioner is before this Court.

3. Learned Senior Counsel for the petitioner submitted that even after the transfer of Electricity connection in favour of the 4th respondent, this Court granted an interim injunction protecting the interest of the petitioner. Therefore, this Court may permit the petitioner to run the business with the electricity service connection and liberty may be granted to the petitioner and the 4th respondent to work out their remedy in the manner known to law with regard to title and other disputes.

4. Though notice was served on the 4th respondent, today none represented for the 4th respondent.

5. It is the case of the petitioner that pending the suit, the electricity service connection which stood in the name of the petitioner has been transferred in favour of the 4th respondent. When the title to the aforesaid



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property is the subject matter of the suit, the issue with regard to EB connection cannot be gone into by this under Article 226, however, the appropriate remedy for the parties would be to approach the competent civil court.

6. In the above circumstances, this Court is inclined to grant permission to the petitioner to enjoy the electricity service connection and insofar as other aspects are concerned, the petitioner and the 4th respondent are at liberty to workout their remedy in the manner known to law in the pending suit.

7. Accordingly, this Writ Petition stands disposed of with the aforesaid liberty. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

05.06.2023

Index : Yes / No

Internet : Yes / No

NHS



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M.DHANDAPANI, J

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