



W.A.No.1105 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

W.A.No.1105 of 2023

S.Selvaraj

.. Appellant

Vs

1.S.Kamakshi

2.The Assistant Engineer,
Chennai Electricity Distribution South,
Thoraipakkam, Chennai-600 097.

.. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order of the learned Single Judge dated 5.4.2023 in W.P.No.7259 of 2023.

For the Appellant : Mr.D.Nandhagopal

For the Respondents : Mr.E.Kotteeswaran
for respondent No.1

: Mr.L.Jai Venkatesh
Standing Counsel
for respondent No.2



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JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.D.Nandhagopal, learned counsel for the appellant; Mr.E.Kotteeswaran, learned counsel for the first respondent and Mr.L. Jai Venkatesh, learned Standing Counsel for the second respondent.

2. The present appellant is respondent No.2 in the writ petition. The first respondent filed the writ petition seeking a direction to disconnect the temporary connection given to the present appellant on 1.7.2022.

3. It is the submission of learned counsel for the appellant that he had purchased the property on 26.6.2013 under a registered sale deed. The same is for an area admeasuring an extent of 700 square feet in Survey No. 706/1A1A1 out of old Survey No.706/1. The temporary connection was given after following proper procedure. The learned Single Judge did not



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consider the same.

4. Learned counsel for the original writ petitioner/respondent No.1 submits that the first respondent had purchased the property to an area admeasuring an extent of 3010.5 square feet under a registered sale deed executed in the year 2015. The same is part of Survey No.706/1. As dispute with regard to identification of the property exists, respondent No.2 ought not to have given electricity connection to the present appellant. The same is against the rules and regulations. The learned Single Judge has rightly considered the said aspect.

5. We have also heard learned counsel for the second respondent.

6. It appears that the dispute between the original writ petitioner and the first respondent is qua identification of the property. The fact remains that the present appellant is a prior purchaser in point of time and, that too, to the extent of 700 square



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feet. The first respondent herein is the subsequent purchaser. The said aspect ought to have been considered by the learned Single Judge while passing the impugned order.

7. If a dispute is raised by the present first respondent regarding the identification of the property, it is for the first respondent to get the same settled either by carrying out measurement of the property and/or approaching the civil court.

8. Electricity is one of the basic amenities to be provided. The same could not have been directed to be disconnected in a writ jurisdiction. It would be appropriate for the subsequent purchaser to raise a dispute with regard to the identity of the property. We would have accepted the contention of the first respondent/original writ petitioner had she been the prior purchaser, but that is not so.

9. In the light of above, the impugned order is quashed and set aside. However, it is clarified that electricity connection to the present appellant would be only to the extent of 700 square feet of



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the land. The first respondent can raise appropriate plea before the appropriate forum and, in case, she proves a *prima facie* case before the civil court or the competent authority, further orders can be passed therein.

10. With these observations, the writ appeal is allowed. There will be no order as to costs. Consequently, C.M.P.No.11186 of 2023 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

19.06.2023

Index : Yes/No
Neutral Citation : Yes/No
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To

The Assistant Engineer,
Chennai Electricity Distribution South,
Thoraipakkam, Chennai-600 097.



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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKEVALU, J.

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