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W.P.No.18916 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.18916 of 2023

and

W.M.P.No.18150 of 2023

N.Rajesh Kanna

... Petitioner

Vs.

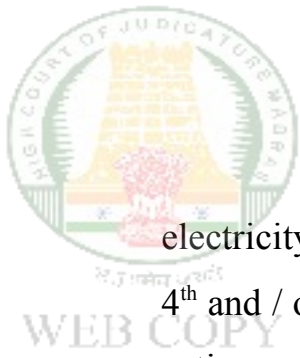
1. The Chairman,
Tamil Nadu Electricity Board,
Mount Road, Chennai – 600 002.
2. The Superintending Engineer,
No.10, East Main Road,
Gandhi Nagar, Vellore.
3. The Junior Engineer,
Kagithapattra Division,
Tamil Nadu Electricity Board,
Surathakarai Street,
Vellore – 632 006.

4. A.W.Shahjahan

5. G.Geethalakshmi

... Respondents

PRAYER: The Writ Petition filed under Section 226 of the Constitution of India, pleased to issue a Writ or direction or order more particularly in the nature of Writ of mandamus forbearing the respondents 1 to 3 from effecting



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electricity service connection, both temporary and permanent in the name of the 4th and / or 5th respondent, or their Agents, representatives, nominee, or any one acting under them or through them in respect of the property situated at Vadavellore, Revenue Ward No.1, Block No.2, Vellore Taluk, Vellore District comprised in S.No.15/1C (Part) measuring to an extent of 2 cents in all totalling to 50 cents which is more fully described in the schedule hereunder.

SCHEDULE OF THE PROPERTY

All that piece and parcel of vacant land situated at Vadavellore Village, Vadavellore Town, Revenue Ward No.1, Block No.2, Vellore Taluk, Vellore District comprised in S.No.15/1C(Part) measuring to an extent of 48 cents out of 1 acre 48 cents and Survey No.16/1, measuring to an extent of 2 cents and in all admeasuring to 50 cents.

BOUNDED ON

NORTH BY : Canal
SOUTH BY : Lands belong to Jeevarathinam
EAST BY : Lands belong to David
WEST BY : Lands belong to M.Rajan Babu

and in all admeasuring 50 cents situated within the Registration District of Vellore and Sub-Registration District of Joint-I Vellore.

For Petitioner : Mr.P.C.Harikumar and Associates

For R1 to R3 : Mr.S.Madhusudanan

ORDER

This writ petition has been filed for issuance of a writ of mandamus to forbear the respondents 1 to 3 from effecting electricity service connection,



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both temporary and permanent in the name of the 4th and / or 5th respondent, or their Agents, representatives, nominee, or any one acting under them or through them in respect of the property situated at Vadavellore, Revenue Ward No.1, Block No.2, Vellore Taluk, Vellore District comprised in S.No.15/1C (Part) measuring to an extent of 2 cents in all totalling to 50 cents.

2. Since no adverse order is being passed against the respondents 4 and 5, notice to the respondents 4 and 5 is dispensed.

3. It is the case of the petitioner that alleging the dispute with regard to the properties which were purchased by the petitioner's father in the name of petitioner and his brother namely Srinivasan, one of the brother of the petitioner G.N.Rajan Babu filed a partition suit before the First Additional District Court, Vellore in O.S.No.18 of 2006. Since the said Srinivasan died intestate leaving behind his legal heirs, they were impleaded as defendants 4, 5 and 6 in the aforesaid suit. Though the legal heirs of the said Srinivasan are well aware that the aforesaid suit is pending before the lower Court in respect of the property which stands in the name of Srinivasan, they had set up respondents 4 and 5 as the benami persons to create nominal and sham documents in their favour and



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based on the alleged fabricated documents, the respondents 4 and 5 have applied for temporary / permanent electricity service connection for S.Nos.15/C and 16/1 of an extent of 50 cents situated in aforesaid Village before the 3rd respondent. While so, the petitioner has sent a legal notice dated 08.04.2023 to the respondents 1 to 3, seeking not to effect electricity service connection to the respondents 4 and 5. However, the same was not considered. Hence the present writ petition.

4. Though very many grounds have been raised in the above writ petition, learned counsel for the petitioner submits that though the partition suit in O.S.No.18 of 2006 with regard to the property purchased in the name of said Srinivasan is pending before the First Additional District Court, Vellore, the legal heirs of said Srinivasan have set up respondents 4 and 5 to create fraudulent documents and based on the said documents, the respondents 4 and 5 have applied for electricity service connection before the third respondent which is unsustainable. Hence, this Court may forbear the respondents 1 to 3 from effecting service connection in the names of respondents 4 and 5.



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5. The learned standing counsel appearing for the respondents 1 to 3 submitted that the petitioner's application / legal notice dated 08.04.2023 will be considered after affording an opportunity of hearing to the petitioner as well as the aggrieved persons.

6. In the light of the submission made by learned counsel appearing for the respondents 1 to 3, this Court directs the respondents 1 to 3 to consider the legal notice submitted by the petitioner dated 08.04.2023 on merits and in accordance with law after affording an opportunity of hearing to the petitioner as well as the aggrieved persons if any including the respondents 4 and 5 within a period of four (4) weeks from the date of receipt of a copy of this order.

7. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

27.06.2023

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

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To

1. The Chairman,
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M.DHANDAPANI,J

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