



W.P.No.16726 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2023

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

W.P.No.16726 of 2020

and

W.M.P.No.20744 of 2020 & 20014 of 2021

S.Krishnamurthy

... Petitioner

Vs.

1. Superintendent Engineer,
Tamil Nadu Generation and
Distribution Corporation Limited (TANGEDCO),
Formerly TNEB,
Krishnagiri.
2. Executive Engineer,
Tamil Nadu Generation and
Distribution Corporation Limited (TANGEDCO),
Formerly TNEB,
Pochampalli,
Krishnagiri District.
3. Asst. Engineer,
Tamil Nadu Generation and
Distribution Corporation Limited (TANGEDCO),
Formerly TNEB,
Nagarasampatti,
Pochampalli Taluk,
Krishnagiri District.



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4.P.Krishnamurthy

5.P.Chinnaraj

6.Krishnan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents 1 to 3 and their subordinates from effecting Electricity Service Connection in the name of the respondents 4 to 6 in respect of the Survey No.162/2, situated in Marudheri Village and post in Pochampalli Taluk, Krishnagiri District.

For Petitioner : Mr.C.Mahendran

For Respondents : Mr.S.Mathusudanan
Standing Counsel [R1 to R3]
Mr.C.Jagadish [R4 to R6]

ORDER

This Writ Petition has been filed seeking for a Writ of Mandamus, to forbear the respondents 1 to 3 and their subordinates from effecting Electricity Service Connection in the name of the respondents 4 to 6 in respect of the Survey No.162/2, situated in Marudheri Village and post in Pochampalli Taluk, Krishnagiri District.

2. The case of the petitioner is that, he is the owner of the property comprised in Survey No.162/2, situated in Marudheri Village and Post in



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Pochampalli Taluk, Krishnagiri District. He obtained patta in respect of the said property, however, subsequently, the respondents 4 to 6 obtained patta by cancelling the petitioner's patta, for which, the petitioner preferred an appeal before the District Revenue Officer, Krishnagiri. Pending appeal before the District Revenue Officer, the respondents 4 to 6 have taken effective steps to obtain electricity service connection in their favour in the disputed property. Aggrieved by the same, the petitioner filed the above writ petition before this Court for appropriate directions.

3. The learned counsel for the petitioner submits that, while entertaining this writ petition, this Court has granted interim injunction restraining the respondents 1 to 3 and their subordinates from effecting electricity service connection in favour of the respondents 4 to 6 and still, the interim injunction is in force. He also submits that patta is not a title and the disputed question of fact with regard to title between the parties can be redressed only before the competent Civil Court. Hence, this Court may extend the interim injunction granted by this Court enabling the petitioner to approach the Competent Civil Court.



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4. The learned counsel appearing for the respondents 4 to 6 submits that, they are the owners of the said property and they have also obtained patta in their favour. He further submits that, since there is a disputed question of facts, instead of approaching the competent Civil Court, the petitioner has filed the present writ petition, which is not sustainable. Accordingly, he prays for dismissal of the writ petition.

5. The learned Standing Counsel appearing for the respondents 1 to 3 submits that, in view of the interim injunction granted by this Court, the electricity service connection has not been effected in favour of the respondents 4 to 6.

6. In view of the aforesaid submissions made by the learned counsel appearing on either side, this Court, is of the view that, there is a disputed question of fact with regard to the title of the disputed property and the same has to be ventilated only before the competent Civil Court.

7. In view of the above, this Court, without expressing any opinion on the merits of the case, grants liberty to the petitioner to approach the



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competent Civil Court for appropriate remedy and the interim injunction already granted by this Court is extended for a period of six weeks from the date of receipt of a copy of this order enabling the petitioner to approach the competent Civil Court.

8. Accordingly, the Writ Petition is disposed of. No costs.
Consequently, the connected miscellaneous petitions are closed.

21.06.2023

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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To

1. Superintendent Engineer,
Tamil Nadu Generation and
Distribution Corporation Limited (TANGEDCO),
Formerly TNEB,
Krishnagiri.
2. Executive Engineer,
Tamil Nadu Generation and
Distribution Corporation Limited (TANGEDCO),
Formerly TNEB,
Pochampalli,
Krishnagiri District.



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M.DHANDAPANI, J.

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3.The Assistant Engineer,
Tamil Nadu Generation and
Distribution Corporation Limited (TANGEDCO),
Formerly TNEB,
Nagarasampatti,
Pochampalli Taluk,
Krishnagiri District.

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