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W.P.Nos.19580 & 19584 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2023

CORAM : JUSTICE N.SESHASAYEE

W.P.Nos.19580 & 19584 of 2023  
and WMP.Nos.18840, 18841, 18842,  
18847, 18848 & 18849 of 2023

|                      |                                         |
|----------------------|-----------------------------------------|
| 1.E.N.Madeswaran     | .... Petitioner in W.P.No.19580 of 2023 |
| 2.E.N.Chandrasekaran | .... Petitioner in W.P.No.19584 of 2023 |

Vs

1.The Superintending Engineer  
Tamil Nadu Generation of Electricity  
and Distribution Corporation (TANGEDCO)  
Namakkal.

2.The Executive Engineer  
Tamil Nadu Generation of Electricity  
and Distribution Corporation (TANGEDCO)  
Paramathi - Velur, Namakkal District.

3.The Assistant Executive Engineer  
Tamil Nadu Generation of Electricity  
and Distribution Corporation (TANGEDCO)  
Nallur, Namakkal District.

4.The Assistant Engineer  
Tamil Nadu Generation of Electricity  
and Distribution Corporation (TANGEDCO)  
Nadanthai, Namakkal District.

|                 |                              |
|-----------------|------------------------------|
| 5.R.Subramanian | .... Respondents in both WPs |
|-----------------|------------------------------|



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Common Prayer : Writ Petitions filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the entire records relating to the impugned orders dated 20.06.2023 passed by the fourth respondent in Na.Ka.No.Oo.Po/E&Pa/Nadanthai/Ko.Thani/No.85/2023 and Na.Ka.No.Oo.Po/E&Pa/Nadanthai/Ko.Thani/No.86/2023 quash the same.

For Petitioners : Mr.L.Mouli

For Respondents : Mr.S.Kalaiselvan  
Standing Counsel for R1 to R4  
Mr.P.Vijendran for R5

### COMMON ORDER

The petitioners herein are brothers, and they have obtained separate electricity connection for agricultural purposes. They allege that their property has been fraudulently transferred by one Premkumar in favour of a certain Subramanian, the fifth respondent in both the petitions. The petitioners contend that Premkumar does not have an ounce of right or interest in the property belonging to the petitioners, and apprehending that TANGEDCO may act on the application filed for transfer of the electricity connection standing in the name of the petitioners to his name. The



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petitioners herein joined to file W.P.No.8740 of 2023. This Court vide its order dated 21.03.2023, directed the fourth respondent to hold an enquiry into the matter and after holding enquiry, the fourth respondent had transferred the electricity connection in the name of the fifth respondent.

2. Outlining the facts of this case as narrated above, the learned counsel for the petitioners submitted that the petitioners have moved the concerned District Registrar under Section 77A of the Registration Act for cancelling what they perceive as fraudulent sale deed executed by Premkumar in the name of the fifth respondent, and moved the concerned Tahsildar for cancellation of patta, and these applications are pending before the respective authorities.

3. Heard the learned counsel for TANGEDCO and also the learned counsel for the fifth respondent.

4. The counsel for the TANGEDCO made a statement that the fourth respondent had conducted enquiry pursuant to the order of this Court passed in W.P.No.8740 of 2023.



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5. This Court is at a loss to understand couple of facts :

- (a) first the sale deed was not executed by any of the petitioners herein in favour of the fifth respondent, but by some Premkumar; and
- (b) that the service connections admittedly stand in the name of the petitioners herein and not in the name of Premkumar.

When facts remain thus, this Court wonders under what authority the fourth respondent chose to transfer the existing meters that stand in the name of the petitioners herein to another name when the property was purportedly sold, but not by the petitioners. After all, the security deposit which the petitioners have paid, belonged to them and not to the fifth respondent or Premkumar. It would be a different story if petitioners were shown as vendors in the sale deed, even if the sale deed was fabricated and registration was achieved by impersonation. When a stranger transfers a property, but the service connection stands in different names, it is inconceivable how the fourth respondent transferred it.



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6. This Court therefore set aside both the impugned orders of the fourth respondent in Na.Ka.No.Oo.Po/E&Pa/Nadanthai/Ko.Thani/No.85/2023 and Na.Ka.No.Oo.Po/E&Pa/Nadanthai/Ko.Thani/No.86/2023, dated 20.06.2023, and remands the matter back to him.

7. This Court directs the second respondent to monitor how the fourth respondent holds his enquiry and the quality of the order he may now pass.

8.The writ petitions are disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

01.08.2023

Index : Yes / No  
Speaking order / Non-speaking order  
ds



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N.SESHASAYEE.J.,

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