



WEB COPY



W.P.No.31159 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 31.10.2023

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.31159 of 2023

Sripaul

... Petitioner

Vs

The Assistant Engineer (Urban),
Tamil Nadu Electricity Generation
and Distribution Corporation
Irusappa Street,
Cuddalore – 607003.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus directing the respondent to disconnect
electricity service connection DTR-03 FP01-S016 No.02008006228 provided
in T.S.No.140/1A21 2045 Sq.ft at No.28-A, Pensioner Street, Cuddalore O.T
(607003), Cuddalore Taluk, Cuddalore District.

For Petitioner	: Mr.D.Baskar
For Respondent	: Ms.Keerthana Shenoi for Mr.Venkata Seshaiya Standing Counsel



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ORDER

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Ms.Keerthana Shenoi, learned counsel appearing on behalf of Mr.L.Jai Venkatesh, learned Standing Counsel accepts notice for the sole respondent/Assistant Engineer (Urban), Tangedco and is armed with instructions to enable final disposal of this Writ petition, even at the stage of admission.

2. The petitioner claims to be the owner of a property at T.S.No.140/1A21 ad measuring 2045 sqft. located at No.28-A, Pensioner Street, Cuddalore O.T (607003), Cuddalore Taluk, Cuddalore District ('property'/'property in question').

3. Several averments have been made in respect of how he derives title to the property, with which this Court is not concerned as it involve appreciation of facts which are, in fact, disputed, as would be seen from the following paragraphs of this order.

4. Litigation had been initiated in respect of the property in question by one Mrs.Jaya @ Jayaselvam in O.S.No.320 of 2013 before the Additional District Munsif Court, Cuddalore seeking bare injunction and claiming that the husband of the present petitioner's vendor (from whom the petitioner claims to



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have purchased the property) had entered into an agreement of sale with her on

16.02.1986 for sale of the property.

5. According to the petitioner, that suit had been dismissed on 16.02.2023 and allegations are made against persons associated with the said Jaya @ Jayaselvam trespassing on the property merely to pose hurdle to the petitioner. The petitioner has sought disconnection of electricity service connection bearing DTR-03 FP01-2016 No.02008006228 in the property in question.

6. Ms.Shenoi, on instructions, would submit that pursuant to the request of the petitioner, an inspection was conducted and it was found that the property was occupied by a family who claims to be the tenants of Jayalakshmi.

7. Since various factual assertions are made and the narration of facts in the writ affidavit also indicates some history to the matter, the request for disconnection is best left to the authorities to decide upon. Needless to say, the authorities shall issue notice to all necessary parties. The petitioner shall provide such particulars as he possess to enable the authorities to issue necessary notices.

8. The respondent, thereafter, hear all the parties concerned and pass orders on the representation of the petitioner within a period of eight (8) weeks from date of first hearing, in accordance with law.



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Dr.ANITA SUMANTH, J.
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9. This Writ Petition is disposed in the aforesaid terms. No costs.

31.10.2023

Index : Yes / No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

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To

1 The Tahsildar,
Madurai Taluk,
Coimbatore – 641 105.

2 The Deputy Tahsildar (HQDT)
Madukkarai Taluk,
Coimbatore – 641 105.

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