



WP No.14562 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09-03-2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.14562 of 2017

And

WPMP No.15786 of 2017

1.K.K.Sukumaran (Died)

2.Vijayalakshmi

3.K.S.Kakuth Kaarthikayan

(Petitioner Nos.2 and 3 substituted
as LRs of the deceased first
petitioner vide order of Court dated 30.11.2022
made in WPMP No.30391 of 2022 in
WP No.14562 of 2017)

.. Petitioners

vs.

1.Executive Engineer,
TANGEDCO,
TNEB, Seeranaicken Palayam,
Coimbatore North Distribution,
Coimbatore-7.



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2.Junior Engineer,
TNEB,
Ajjaanur Division,
Vedapattei,
Coimbatore North Distribution,
Coimbatore-7.

3.Kavitha

4.Naveen Venkatraman
(R-4 impleaded vide order
of Court dated 30.11.2022 made in WPMP
No.30392 of 2022 in WP 14562 of 2017) .. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondents 1 and 2 to permit the Electricity Service Connection SC No.259 fitted in SF No.512/2A2, Veerakeralam Village, Perur Taluk, Coimbatore District to continue in the name of the petitioner Mr.K.K.Sukumaran, S/o.Kothandaraman.

For Petitioner : Mr.E.P.Senniyangiri

For Respondents-1 and 2 : Mr.R.Jai Venkatesh,
Standing Counsel for
TANGEDCO.



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For Respondent-3 : Mr.N.Nithianandam for
Mr.A.Saran Raj

For Respondent-4 : No Appearance

ORDER

The Writ of Mandamus has been instituted to direct the respondents 1 and 2 to permit the Electricity Service Connection SC No.259 fitted in SF No.512/2A2, Veerakeralam Village, Perur Taluk, Coimbatore District to continue in the name of the petitioner Mr.K.K.Sukumaran, S/o.Kothandaraman.

2. The petitioner states that he is the absolute owner of the property situate in SF No.512/2A2, Veerakeralam Village, Perur Taluk, Coimbatore District, measuring an extent of 0.90 cents.

3. The petitioner purchased the said property on 04.12.1992. The petitioner states that he constructed two houses of cattle shed in the



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aforementioned subject property and used the same for domestic utility. The petitioner obtained Electricity Service Connection vide No.259 by applying to the Tamil Nadu Electricity Board, Coimbatore North Distribution Circle. The said Electricity Service Connection has been in the use of the petitioner since 1999.

4. One S.M.Palani Gowder his wife Tmt.P.Seethammal represented by their Power Agent Mr.S.P.Kumaresan filed suit in OS No.686 of 1993 on the file of the Sub Court, Coimbatore. The suit was disposed of. However, the petitioner, who was originally impleaded in the suit, was subsequently deleted and therefore, the disposal of the suit would not have any implication in respect of the case of the writ petitioner.

5. The grievance of the writ petitioner is that the Electricity Service Connection in the subject premises was disconnected by the respondent-Electricity Board on the ground that there was a dispute between the parties.



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6. The learned counsel for the writ petitioner states that the petitioner is in possession of the property and was enjoying the Electricity Service Connection for many years. While-so, there is no reason to disconnect the Electricity Service Connection and more-so, the patta stood in the name of the writ petitioner was modified and one Smt.Kavitha was also included in the patta.

7. The District Revenue Officer in proceedings dated 20.01.2017 passed such an order based on the documents produced by the respective parties. The said order was passed after adjudication and enquiry.

8. The learned counsel appearing on behalf of the third respondent made a submission that the third respondent's name has already been included in the patta and therefore, she also has a right over the subject property. Thus, the petitioner cannot seek any such direction for the grant of Electricity Service Connection.



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9. It is contended by the third respondent that the petitioner is not in possession of the subject property and it is in a locked condition. therefore, the grant of Electricity Service Connection need not be considered.

10. The learned Standing Counsel for the Tamil Nadu Electricity Board (TNEB) was directed by this Court to find out the present status of the subject property. Accordingly, the learned Standing Counsel for the TNEB secured instructions from the respondents 1 and 2 that in the subject property nobody is residing and it is kept vacant. When the petitioner is not residing in the subject property nor carrying on any activities, there is no reason to consider the relief as such sought for in the present writ petition.

11. Regarding the grant of patta, including the name of the third respondent or possession or otherwise, the parties have to approach the Competent Civil Court of Law for the purpose of ascertaining their rights.



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The dispute regarding the possession of title is to be adjudicated before the Competent Civil Court having jurisdiction and the patta, if at all, granted erroneously.

12. Thus this Court is of the considered opinion that the direction as such sought for in the present writ petition to provide Electricity Service Connection does not arise at all, since in the subject property, no one is residing nor any activities are going on.

13. Pertinently both the petitioner as well as the third respondent state that they are in possession of the subject property. If such claims are raised between the parties regarding possession, the issues are to be resolved only through the Competent Court of Law by producing documents and adducing evidences by way of trial.

14. That being the factum, the petitioner is at liberty to redress his grievances regarding the title, patta etc., by approaching the Competent



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Civil Court in the manner known to law.

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15. With the abovesaid liberty, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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Speaking Order/Non-Speaking Order.

Neutral Citation : Yes/No.

Internet : Yes/No.

Index: Yes/No.

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To

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S.M.SUBRAMANIAM, J.



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