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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.08.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.3835 of 2021

and

W.M.P(MD)No.3057 of 2021

E.Kumar

... Petitioner

vs.

1.The Assistant Executive Engineer
(Distribution),
Tamil Nadu Generation and Distribution
Corporation Ltd.,
TANGEDCO,
(Previously known as Tamil Nadu
Electricity Board),
K.Pudur, Madurai-625 002.

2.The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
TANGEDCO,
(Previously known as Tamil Nadu
Electricity Board),
Race Course Road,
Madurai-625 002.

3.Mrs.Claret Mary

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned proceedings issued by the 1st respondent in Na.Ka.No. Ka.No.Vu.Se.Po/Pa/Ko.Pudur/Va/AA No.180/20, dated 13.07.2020 and quash the same and consequently directing the 1st respondent to change the temporary service connection in S.C.No.005-0056-006-1072 as domestic service connection and fix the tariff as per the Rules in respect of the petitioner property situated at Door No.52, Ramalakshminagar, 2nd Street, Moondrumavadi, K.Pudur, Madurai-7 within the time stipulated by this Court.

For Petitioner : Mr.K.P.Krishnadoss

For R-1 & R-2 : Mr.S.Deenadhayalan
Standing Counsel

For R-3 : Mr.J.Alaguram Jothi

ORDER

This writ petition has been filed for Writ of Certiorarified Mandamus to quash the impugned order, dated 13.07.2020 with a consequential direction to the 1st respondent to change the temporary Service connection as domestic Service connection and fix the tariff as per the Rules.



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2. Heard Mr.K.P.Krishnadoss, the Learned counsel appearing for the petitioner and Mr.S.Deenadhayalan, the Learned Standing Counsel appearing for R-1 & R-2 and Mr.J.Alaguram Jothi, the Learned counsel appearing for R-3 and perused the material documents available on record.

3. The petitioner and third respondent are husband and wife. There is a dispute between the petitioner and third respondent. The learned counsel appearing for the third respondent submitted that the property in dispute belongs to the petitioner as well as the third respondent. Both of them are co-owners. Since, there is a dispute between them, the third respondent has given an objection to the 1st and 2nd respondents for converting the temporary connection to domestic connection. Moreover, the learned counsel appearing for the third respondent submitted that, if the connection is granted to the petitioner, the 3rd respondent's rights over the property would be affected.



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4. Considering the rival claim of the petitioner and the third respondent, this Court is of the considered opinion that it is a settled preposition granting of electricity connection will not confer title over the property. The rights of the parties to the property cannot be determined based on the electricity connection. In temporary connection, the Tariff rates are higher and the petitioner would be forced to pay higher rate. Therefore, the respondents shall convert the temporary Service connection to domestic Service connection, so that the rate will be reduced, otherwise, the petitioner would be incurring loss.

5. Therefore, the 1st and 2nd respondents are directed to convert the temporary Service connection to domestic Service connection. It is made clear that connection granted to the petitioner is subject to any litigation, between the parties.

6. With these directions, the impugned order, dated 13.07.2020 is hereby quashed. The respondents are directed to change the temporary Service



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connection to domestic Service connection, within a period of 4 weeks from the date of receipt of a copy of this order.

7. With these observations and directions, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes
NCC : Yes / No
Sml/Ksa

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