



W.P.(MD)Nos.5297 & 5298 of 2020

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.07.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)Nos.5297 & 5298 of 2020

W.P.(MD)No.5297 of 2020

M.Mayandi

... Petitioner

Vs.

1. The Superintending Engineer,
Tamil Nadu Electricity Board(TANGEDCO),
Collectorate Office Campus,
Sivagangai, Sivagangai District -630561.

2. The Assistant Executive Engineer,
Tamil Nadu Electricity Board(TANGEDCO),
Collectorate Office Campus,
Sivagangai, Sivagangai District.

3. The Assistant Engineer,
Tamil Nadu Electricity Board(TANGEDCO),
Collectorate Office Campus,
Sivagangai, Sivagangai District -630561

4. A. Raja

5. J.Muthupandi

6. Raja

7. Dhanam

... Respondents



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For Petitioner : M/s.N.Jeyaram Sidharth,
A. Subash

For R-1 to R-3 : Mr.S.Deenadhayalan,
Standing Counsel

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B.Mahedran ... Petitioner

Vs.

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Tamil Nadu Electricity Board(TANGEDCO),
Collectorate Office Campus,
Sivagangai, Sivagangai District -630561

4. Nagoor Pitchai

5. K.Alagammal

6. Kannan ... Respondents



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For Petitioner : M/s.N.Jeyaram Sidharth,
A. Subash
For R-1 to R-3 : Mr.S.Deenadhayalan,
Standing Counsel
For R-5 : Mr.P.M.Viswanathan

COMMON PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of *Writ of Certiorarified Mandamus*, directing the respondents to cancel the illegal electricity connection made in the petitioners' property on the basis of the petitioners' representation dated 05.02.2020.

COMMON ORDER

These writ petitions have been filed seeking direction to the respondents to cancel the illegal electricity connection made in the petitioners' property, on the basis of the petitioners' representation, dated 05.02.2020.

2. Heard on either side. Perused the material documents available on record.

3. Since the issue involved in these Writ Petitions are similar in nature, both the writ petitions are taken up together and disposed of by a common order.



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4. The contention of the petitioners is that they have purchased the property in S.No.141/1028 at Kottakudi Group, Sivagangai Survey Ward-D Block-2, D.S.No.10, through a registered sale deed dated 07.11.2019 from one Srinivasan, who is the power agent of one A.C.Muthaiah Chettiyar. After purchasing of the properties, they are in possession and enjoyment of the same. The said building consists of shops and house property. The further contention of the petitioners is that some unknown persons have obtained electricity connection by using forged documents. Hence these petitioners have approached the 3rd respondent in person and requested to cancel the connections. Since the 3rd respondent has not considered the same, the present writ petition is filed.

5. Pending the writ petition this Court had impleaded the persons who have allegedly occupying the said properties. The said impleaded respondents submitted that they have preferred a suit in O.S.No.19 of 2020, on the file of the District Munsif, Sivagangai, seeking injunction against the writ petitioners and two others, not to disturb their peaceful possession. In the said three premises, three electricity connection were granted in the Consumer Nos.



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730, 294 & 274 by the Electricity Board and hence they prayed not to disconnect the connection.

6. The learned Standing counsel appearing for the TANGEDCO submitted that these petitioners have submitted an application for disconnecting the service connections. Since there were occupants, the respondents are not in a position to consider the petitioners' case.

7. After hearing rival submissions, this Court is of the considered opinion that as per the rules and regulations, the TANGEDCO is empowered to disconnect the electricity connection where ever the house is not occupied by any persons. However, the TANGEDCO is not empowered to disconnect the service connection if any person is occupying the premises. Also, TANGEDCO is not empowered to disconnect the Consumer Service Connection Nos. 730, 294 & 274 since the same is covered under suit filed in O.S.No.19 of 2020, on the file of the District Munsif, Sivagangai.



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8. In view of the above, this Court is issuing the following directions:-

i. The TANGEDCO is directed to disconnect the service connection from the premises where there are no tenants and the respondents shall consider and effect the disconnection within a period of four weeks from the date of receipt of a copy of the order.

ii. As far as the premises where there are persons occupying the premises, the petitioner is directed to approach appropriate court for eviction of tenants and once the tenants are evicted the petitioner shall submit application for disconnection. Thereafter the TANGEDCO may disconnect the connection.

iii. As far as the Consumer Service Connection Nos. 730, 294 & 274, the petitioner is directed to approach the TANGEDCO after disposal of the said O.S.No.19 of 2020, on the file of the District Munsif, Sivagangai.

9. At this juncture the Learned Counsel appearing for the petitioner submitted that the suit was filed in the year 2020 itself and prayed for a direction for early disposal of the suit. Therefore, this Court is directing the Learned District Munsif, Sivagangai to dispose the suit in O.S.No.19 of 2020 within a period of six months, from the date of receipt of a copy of the order.



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10. With the above direction the writ petition is disposed of. No costs

Index : Yes / No

06.07.2023

Internet : Yes

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**Common Order made in
W.P.(MD)Nos.5297 & 5298 of 2020**

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