



W.P.(MD) No.9437 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.06.2023

CORAM

THE HONOURABLE Ms.JUSTICE P.T.ASHA

**W.P.(MD) No.9437 of 2020
and
W.M.P.(MD) No.8554 and 10722 of 2020**

V.Thangam (died)

2.T.Gandhimathi

3.G.Booma Devi

4.Jothi

5.G.Shanmugapriya

6.T.Gomathi

7.T.Sahadevan

(P2 to P7 have been impleaded
vide order dated 19.04.2023)

... Petitioners

/vs./

1.The Superintending Engineer,
(Operations and Maintenance-TANGEDCO),
Dindigul Electricity Distribution Circle,



W.P.(MD) No.9437 of 2020

WEB COPY

Minvalagam, Meenakshinayackanpatti,
Dindigul.

2.The Executive Engineer,
Dindigul South, TANGEDCO,
Minvalagam, Meenakshinayackanpatti,
Dindigul.

3.The Assistant Executive Engineer,
Dindigul South,
TANGEDCO, Ponnagaram
Natham Road, Dindigul.

4.The Assistant Engineer,
TANGEDCO,
Operations and Maintenance
Siluvathur, Dindigul.

5.V.Dhanammal
(R5 has been impleaded
vide order dated 29.03.2023)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the respondents from disconnecting the electricity connection in S.C.No.237-013-553 in the petitioner's name for his residential house which is situate in the midst of his agricultural lands in S.Nos. 71/1, 71/4, 71/5, 71/6, 70/53, 5C, 11B and S.No.68/2 in Vangamanathu Village, Siluvathur Post, Dindigul East Taluk, Dindigul District.



WEB COPY

W.P.(MD) No.9437 of 2020

For Petitioners : Mr.H.Lakshmi Shankar

For R1 to R4 : Mr.S.Deenadhayalan
Standing Counsel

ORDER

The above writ petition is filed for the issue of a Writ of Mandamus forbearing the respondents from disconnecting the electricity connection in S.C.No.237-013-553 in the petitioner's name for his residential house, which is situate in S.Nos. 71/1, 71/4, 71/5, 71/6, 70/53, 5C, 11B and S.No.68/2 at Vangamanathu Village, Siluvathur Post, Dindigul East Taluk, Dindigul District.

2.It is the case of the deceased petitioner (the legal heirs of the deceased sole petitioner have been brought on record) that he owns agricultural lands in S.Nos.68/2, 70/5B, 70/5C, 70/11B, 71/1, 71/4, 71/5 and 71/6 in an oral partition between the family members in the year 1970. That apart, he had purchased other lands as well and all of them were being enjoyed as a single block. In 2018, the petitioner had constructed a small house in the middle of the farm land and the same has been given an electricity connection and has also been assessed to tax.



W.P.(MD) No.9437 of 2020

WEB COPY

3.While so, on 16.10.2019, the fourth respondent had issued a show cause notice to the petitioner to show cause as to why the electricity connection should not be disconnected, as it has been obtained wrongly. The petitioner would submit that this notice came to be issued, since the application was made in respect of S.No.71/5, whereas the house was within the S.No.71/4. The petitioner would submit that both the lands in S.Nos.71/4 and 71/5 belong to him and the house, to which the connection has been granted, is comprised within S.No.71/4. The petitioner has therefore requested time to clarify the issue and obtain necessary revenue records.

4.On enquiry, the petitioner came to learn that the entire show cause notice has been engineered by one Ravichandran, who is the son of the petitioner's father's second wife's daughter, Dhanam. The said Ravichandran was working as Foreman in Senthurai Circle, Natham Taluk, Dindigul District. The said Dhanam had filed a suit for partition in the year 2004 against the petitioner and other family members. The said suit was defended stating that a partition had taken place in the year 1970 itself and that each of the sharers had been enjoying their respective shares. However, the suit was decreed, against which the first appeal in



W.P.(MD) No.9437 of 2020

A.S.(MD) No.127 of 2009 is pending before this Court and an order of interim stay of passing of final decree has been obtained. The petitioner would submit that the attempt of said Dhanam to have the patta mutated in her name had also ended in a failure, since the District Revenue Officer had stated that any order with reference to the transfer of patta would be considered only after the disposal of the suit.

5.The petitioner would submit that despite seeking time, an ultimatum was issued on 23.06.2020 by the fourth respondent stating that the decree does not declare that S.No.71/4 belongs to him. The petitioner would submit that he had submitted the revenue records, in which the patta stood in his name in respect of S.No.71/4. Since the fourth respondent was keen on disconnecting the electricity connection to the petitioner's house at the instance of the said Ravichandran, the petitioner left with no other alternative has filed the above writ petition.

6.Admittedly, the house in question is situate in S.No.71/4 and the patta in respect of the same stands in the name of the petitioner. That apart, an appeal is pending adjudication. In this scenario, taking into account the fact that the



W.P.(MD) No.9437 of 2020

petitioner is in possession of the property, without any orders being obtained dis-entitling the petitioner to the property in question, the respondent Board cannot seek to disconnect the electricity connection, which has been granted to the petitioner. The fear of the fifth respondent is that the petitioners would claim rights to the property. It is needless to state that in a final decree proceedings, it is open to the parties to workout equity. Therefore, at this juncture, the action of the respondents is premature and without jurisdiction. Consequently, the Writ Petition is allowed as prayed for. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

13.06.2023

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WEB COPY



W.P.(MD) No.9437 of 2020

P.T.ASHA, J.

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W.P.(MD) No.9437 of 2020

13.06.2023