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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.09.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.15964 of 2020

and

W.M.P(MD)Nos. 13371, 13374 & 13375 of 2020

Muniyandi

... Petitioner

Vs.

1. The Executive Engineer,
(Production and Distribution) ,
Tamil Nadu Electricity Board,
Rajagambeeram,
Manamadurai Taluk,
Sivagangai District
2. The Assistant Electrical Engineer,
Tamil Nadu Electricity Board,
Rajagambeeram,
Manamadurai Taluk,
Sivagangai District.
3. The Tahsildhar,
Manamadurai Taluk,
Manamadurai.
4. Alagar

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a ***Writ of Certiorarified Mandamus***, calling for the records relating to the proceedings of the Consumer ledger regarding Service Connection No. 568, Rajakambeeram Section, Muthanenthal Distribution code in so far as the inclusion of the name of the 4th Respondent as consumer on the file of the 1st Respondent and quash the same and further directing the Respondents to remove the electricity line drawn from the Petitioner's service connection to the borewell of the 4th Respondent.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.S.Deenadhayaan,
Standing Counsel, for R-1 & R-2

: Mr.R.Suresh Kumar,
Additional Government Pleader, for R-3

: Mr.K.C.Ramalingam, for R-4

ORDER

This writ petition is filed for ***Writ of Certiorarified Mandamus***, to quash the proceedings of the Consumer Ledger regarding Service Connection No. 568, Rajakambeeram Section, Muthanenthal Distribution code in so far as the inclusion of the name of the 4th Respondent as consumer on the file of the 1st Respondent and seeking further direction to the Respondents to remove the



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electricity line drawn from the Petitioner's service connection to the borewell of the 4th Respondent.

2. Heard Mr.G.Prabhu Rajadurai, the Learned Counsel appearing for the Petitioner, Mr.S.Deenadhayaan, the Learned Standing Counsel appearing for the respondents 1 & 2, Mr.R.Suresh Kumar, the Learned Additional Government Pleader appearing for the 3rd respondent, Mr.K.C.Ramalingam, the Learned counsel appearing for the 4th respondent and perused the material documents available on record.

3. The contention of the petitioner is that the petitioner's father was the owner of the property admeasuring 0.68.0 hectares. During the father's lifetime the property was orally partitioned between the petitioner and his brother on 15.08.1996. The northern portion of the property admeasuring 0.34.0 hectares was allotted to the petitioner and the southern portion was allotted to the 4th respondent. Since the petitioner's father was alive due to sentiments the parties had not obtained separate patta. Thereafter the petitioner had dig well and obtained electricity connection in the petitioner's name for the petitioner's portion



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of the property under the Jeevan Dhara Scheme. Also, the petitioner had obtained patta for the said northern portion of the land in his name. However, the 4th respondent had insisted to change the name for the electricity connection and enter both the petitioner's name and the 4th respondent's name. Based on the request of the 4th respondent, the name of both the petitioner and the 4th respondent was entered in the in the Consumer Ledger regarding Service Connection No. 568. Aggrieved over the same the present writ petition is filed.

4. The contention of the petitioner is that he had obtained electricity service connection for his norther portion of land by paying charges under the scheme. Now the 4th respondent in order to usurp his land and to make a claim over the norther portion of the petitioner's share has entered his name in the service connection. But the contention of the 4th respondent is that the said land belongs to his father and the petitioner had fraudulently included his name in the patta. Before entering the name of the petitioner, the petitioner had not obtained "no objection" from the 4th respondent. After changing the patta in his name, the petitioner had filed a suit for declaration and injunction in O.S.No.74 of 2016 on



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the file of the Sub Court, Manamadurai and the same was renumbered as O.S.No. 183 of 2019. Then only it came to the knowledge of the 4th respondent. Hence the 4th respondent had approached the respondent and had entered the 4th respondent's name.

5. After hearing the rival submission of the petitioner and the 4th respondent this Court has given its anxious consideration. It is seen that the petitioner had applied for electricity service connection under the scheme for carrying out agricultural activities and hence the electricity connection ought to stand in the name of the petitioner. At the same time this connection will not be an impediment to the parties to contest in the civil suits, since granting of electricity connection will not confer title. Hence the Civil Court is directed to consider the claim of the petitioner and the 4th respondent based on the documents and shall come to the conclusion independently.

6. If the 4th respondent needs any electricity service connection, he shall independently obtain the service connection for the southern portion of the



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land. If the 4th respondent is seeking service connection in the petitioner's land, in future the 4th respondent cannot get electricity service connection since the TANGEDCO would refuse to grant electricity connection by citing already he has electricity connection in his name. Therefore, the respondents are directed to delete the name of the 4th respondent in the Consumer Ledger forthwith. However it is made clear that this order will not be an impediment to determine the rights of the parties in the suit and the same shall be determined independently without referring to the observations made in this order.

7. With the above terms, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
Internet : Yes
ksa

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S.SRIMATHY, J

ksa

**Order made in
W.P.(MD)No.15964 of 2020**

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