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W.P.No.1055 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.1055 of 2024
and W.M.P.No.1113 of 2024**

P.Elumalai

... Petitioner

Vs.

1.The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution Corporation Limited,
NPK RR Maligai, 8th Floor, Chennai Region,
144, Anna Salai,
Chennai-600 002.

2.The Assistant Engineer (O&M),
CEDC South II,
Tamil Nadu Generation and Distribution Corporation Limited,
Siruseri, Chennai-603 103.

3.Faritha Begum

....Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India
praying for issuance of a Writ of Certiorarified Mandamus, to call for the
records on the file of the second respondent in Letter No.U MI



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Po/O&M/Siru/KO.KATTU/A.No.108/23 dated 09.08.2023 and quash the same and consequently direct the second respondent to cancel the electricity connection in Consumer No.296-023-1075 already granted in favour of the third respondent and grant new Electricity connection in the petitioner's name in Survey No.254/20 Door No.10, Ma.Po.C Street, Navalur Village, Thiruporur Taluk, Chengalpet District.

For Petitioner : Mr.S.S.Santhosa Kumar

For Respondents : Mr.L.Jai Venkatesh
Standing Counsel for R1 and R2
No representation for R3

ORDER

The petitioner has filed this writ petition assailing the order dated 09.08.2023 passed by the second respondent, refusing to cancel the electricity service connection given to the third respondent in respect of the property in dispute.

2. According to the petitioner, the property measuring 9365.69 square feet in Survey No. 79/1 part in Ma.Po.C. Street, Navalur Village, Thiruporur Taluk was partitioned among Semantha Gamani and



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Krishnamurthy through a partition deed dated 21.06.1981. Later, on 03.04.1982, Semantha Gramani executed a Will registered as Document No.5/82 on the file of Sub-Registrar, Thiruporur, Chengalpet District, whereby, he bequeathed the land measuring 13 1/2 cents (5886 square feet) to the sons of his brother Krishnamoorthy and they are Perumal and Ponnusamy. After execution of the Will dated 03.04.1982, Semantha Gramani died and the Will was acted upon, whereby, the beneficiaries of the Will, Perumal and Ponnusamy, become the owner of the land measuring 5886 square feet. On 09.06.2016, Ponnusamy died leaving behind his mother Kausalya, wife Gowri and two daughters. Subsequent to his death, on 28.08.2021, the mother of Ponnusamy namely Kausalya also died. Therefore, Gowri, wife of Ponnusamy and daughters Mahalakshmi and Divya succeeded to his estate namely 2888.5 square feet out of 5886 square feet. While so, Perumal, brother of Ponnusamy, executed a Settlement deed in favour of his wife, Renuga Devi in the year 2013 registered as document No. 1839 of 2013 on the file of the Sub-Registrar, Thiruporur, by which, he settled the entire property depriving the share of



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the said Gowri and her two daughters. Subsequently, Renuga Devi executed a sale deed in favour of the third respondent. Therefore, on 08.12.2014, Mrs. Gowri has given a complaint against the said Durga Devi based on which, enquiry was conducted and ultimately, by an order dated 16.03.2020, the patta was canceled and joint patta was issued including the name of the legal heirs of Ponnusamy. The said order dated 16.03.2020 was not assailed by way of any appeal.

3. The petitioner further submitted that on 13.01.2023, he purchased the land mentioned above by means of a registered sale deed executed by Gowri and her two daughters and is in peaceful possession of the property. While so, the said Renuga Devi obtained separate patta on the basis of the settlement deed. Subsequently, the said patta was cancelled by the Revenue Divisional Officer on 16.03.2020 and joint patta was issued in the name of the legal heirs of Ponnusamy. Therefore, the purchase of the land by the third respondent is improper. Consequently, the electricity service connection issued to the third respondent has to be cancelled.



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However, by the impugned order, the second respondent refused to cancel the electricity service connection by citing the pendency of case in I.A. No. 439 of 2020 in CRP No. 4313 of 2022 and CMP No. 22616 of 2023. Therefore, challenging the order dated 09.08.2023 of the second respondent, refusing to cancel the electricity service connection given to the third respondent, the present writ petition is filed.

4. The second respondent has filed a counter affidavit specifically stating that at the time when the third respondent applied for electricity service connection, she has produced the registered sale deed dated 09.12.2016. Based on the registered sale deed dated 09.12.2016 and upon compliance of Regulation 27 (1) of The Tamil Nadu Electricity Distribution Code, electricity service connection was effected to the third respondent and it is proper. It is further stated that even in the representation given by the petitioner, he has referred to pendency of litigation and therefore, the second respondent has rightly refused to cancel the electricity service connection given to the third respondent and prayed for dismissal of the writ petition.



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5. Heard the learned counsel for the petitioner as well as the learned standing counsel for the respondents 1 and 2 and perused the materials placed on record.

6. It is seen that the vendor of the third respondent is Renuga Devi. The husband of Renuga Devi executed a settlement deed in her favour. Even according to the petitioner, the husband of Renuga Devi has no right to execute the settlement deed in her favour in respect of the entire property namely 5886 square feet of land, if at all, he is only entitled to 2888.5 square feet out of 5886 square feet of land. Consequently, the purchase of the land by the third respondent is to be tested only before the civil Court. Such a dispute as to the title of the land cannot be gone into by this Court in this writ petition. Even otherwise, at the time when electricity service connection was effected, the third respondent produced the settlement deed based on which the electricity service connection was effected. Now, at the instance of the petitioner, the electricity service



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connection need not be disconnected, as it would amount to indirectly evicting the third respondent from the property purchased by her. The dispute between the petitioner and the third respondent has to be agitated only before the Civil Court and not before this Court. In any event, electricity is one of the basic amenities required to reside in the house and as long as the third respondent resides in the property, the electricity service connection need not be disconnected. It is also needless to mention that the petitioner shall initiate appropriate civil proceedings to evict the third respondent from the property in question.

7. Subject to the above observations, the Writ Petition is dismissed. No costs. Connected miscellaneous petition is closed.

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NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb



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