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W.P.No.2799 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.2799 of 2024

and

W.M.P.No.3058 of 2024

G.Jayashree

... Petitioner

Vs.

1.The Chairman and Managing Director,
Tamil Nadu Generation and Distribution Corporation,
(TANGEDCO),
No.144, Anna Salai,
6th Floor, TANTRANSOCO Building,
Chennai – 600 002.

2.The Assistant Engineer,
Chengai Electricity Distribution Circle,
Tamil Nadu Generation and Distribution Corporation,
(TANGEDCO),
Padur, Kancheepuram – 603 103.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records of the impugned order passed by the 2nd respondent in Vu.Po/E and Pa/Padur/Ko. Mi.Thu.Ka/A.No.1511/22-23 dated 16.03.2023 and quash the same and directing the respondent to restore the Electricity Connection No.09-585-002-397 to the petitioner's property.



For Petitioner : Mr.K.Bharathi
For R1 & R2 : Mr.L.Jai Venkatesh
Standing Counsel
[For TANGEDCO]

ORDER

The order impugned passed by the Executive Engineer, Maraimalai Nagar in proceedings dated 16.03.2023, rejecting the application submitted by the writ petitioner to transfer the name in the Electricity Service Connection is under challenge in the present writ petition.

2. The petitioner states that she is the owner of the subject property described in the present writ petition. However, Mr.S.Sakthivel also claiming to be the owner of the property based on the Sale Deed No.1424 of 2018 dated 08.02.2018 by producing the registered Sale Deed along with other documents. The said Mr.S.Sakthivel secured the electricity service connection in his name. The Electricity Board based on the Sale Deed and Property Tax receipt produced by the Sakthivel transferred the name of the Electricity Service Connection in favour of Mr.S.Sakthivel. Thereafter, the writ petitioner instituted a civil suit in O.S.No.32 of 2021 along with the suit, an



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Interlocutory Application in I.A.Nos.2 and 3 of 2022 in O.S.No.32 of 2022 on the file of the District Munsif Court, Chengalpattu have been filed. An exparte interim order was passed in the Interlocutory Application, not to disturb the peaceful possession of the writ petitioner. The Suit was instituted for cancellation of Sale Deed executed in favour of Mr.S.Sakthivel. Admittedly, the civil suit is pending for adjudication. As per the interim order, the writ petitioner is in possession of the property. Regarding the name transfer, the application submitted by the writ petitioner was rejected on the ground that the civil suit is pending before the Civil Court and the interim order is not about to change of name transfer of the electricity service connection and therefore, it is contended that on submission of the Civil Court decree, appropriate action will be taken by the Tamil Nadu Electricity Board.

3. The learned counsel for the petitioner would submit that the petitioner is the owner of the property and having all the documents to establish title. An interim order was passed not to disturb the peaceful possession of the petitioner. Therefore, the Electricity Board Authorities are bound to effect the name transfer in favour of the petitioner.



4. This Court is unable to agree the contention raised on behalf of the petitioner, in view of the fact that the title dispute is pending before the Competent Civil Court of Law. Interim order is relating to the possession of the property. The Electricity Board Authorities cannot adjudicate the title regarding the properties. The Electricity Board Authorities cannot form an opinion, whether the petitioner is the absolute owner of the property or not, which can be done only by the Competent Civil Court of law. Interestingly the present writ petition has been filed even without impleading the contesting party Mr.S.Sakthivel.

5. Under these circumstances, the Board Authorities have issued an order stating that the petitioner is at liberty to produce the final judgment and decree, if any passed by the Civil Court enabling them to consider the application for effecting name transfer. Such an opinion and decision taken by the Electricity Board is in consonance with the principles and the title disputes cannot be resolved by the Board or by the Writ Court in the present writ petition. It is for the petitioner to establish her title in the Civil Suit and thereafter, produce judgment, if any passed for the purpose of considering the application.



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6. With these observations, this Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

15.04.2024

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes

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