



W.P.No.6125 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P.No.6125 of 2019 and
WMP.No.6745 of 2021

Krishnamoorthy

... Petitioner

vs.

1.The Assistant Electricity Engineer,
Tamil Nadu Electricity Board,
(Operation and Maintenance)/West
TANGEDCO, Chithode, Erode 9.

2.S.Jeevanantham

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the 1st respondent from making any name transfer of electricity service connection bearing No.04-015-001-2035 belonging to the petitioner with regard to the house in R.S.No.52/5A of Chithode Village, Erode District till the title over the said property is finally decided by the competent Civil Court in O.S.No.796/2015 on the file of the First Additional Sub Court, Erode by considering the petitioner's representation dated 17.02.2021.

For Petitioners : Mr.I.C.Vasudevan

For RR1 : Mr.I.Syed Sibghatulla



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ORDER

This Writ Petition has been filed to forbear the 1st respondent from making any name transfer of electricity service connection belonging to the petitioner, based on the representation of the 2nd respondent, till the title over the property is finally decided in the pending suit.

2. It is averred in the Writ Petition that the father of the petitioner purchased the land in R.S.No.52/5A of Chithode Village, Erode District, to an extent of 25 cents. After his death, the petitioner is in absolute possession and enjoyment. It is the further case that the 2nd respondent claiming right over the property has applied for change of patta as if he is the owner. He purchased the property vide Sale Deed dated 18.09.2014, through the power agent of the petitioner's father.

3. The grievance of the petitioner is that the 2nd respondent in collusion with the said power agent had created the fraudulent Sale Deed in order to grab the petitioner's property. Hence, the petitioner filed a Civil Suit for declaration of his title over the property in O.S.No.796/2015, on the file of the Second Additional Subordinate Court, Erode, and the same is still pending. However, the 2nd respondent herein applied to the 1st



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respondent for name transfer with regard to the electricity service connection obtained by the petitioner in the said property, based on the said fraudulent Sale Deed. On 17.02.2021, the petitioner made a representation to the 1st respondent, objecting the name transfer. Since no response is forthcoming, the petitioner apprehending name transfer of the electricity connection, has filed this writ petition.

4. When the matter is taken up for hearing, the learned Standing Counsel appearing for the 1st respondent submitted that the 1st respondent has not received any application from the 2nd respondent for name transfer of the electricity service connection. Therefore, no orders are necessary in this Writ Petition.

5. Recording the above submission of the learned Standing counsel, nothing survives for further adjudication in this writ petition.

6. Accordingly, this writ petition stands closed. Consequently connected miscellaneous petitions are closed. No costs.

14.03.2024

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J.NISHA BANU, J.

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To
The Assistant Electricity Engineer,
Tamil Nadu Electricity Board,
(Operation and Maintenance)/West
TANGEDCO, Chithode, Erode 9.

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