



WEB COPY



W.A.No.1656 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2024

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE K. KUMARESH BABU

W.A.No.1656 of 2022 and

CMP No.11385, 11386 of 2022

E.Arasu

Vs.

... Appellant

- 1.The Chief Engineer, Operation and Maintenance,
Tamil Nadu Electricity Board,
No.10, Old Power House Road,
Villupuram 605 602.
2. The Superintending Engineer,
Operation and Maintenance,
Tamil Nadu Electricity Board,
Tiruvannamalai.
3. The Executive Engineer,
Operation and Maintenance,
Tamil Nadu Electricity Board,
Arni, Tiruvannamalai District.
4. The Assistant Executive Engineer,
Operation and Maintenance,
Tamil Nadu Electricity Board,
Arni, Tiruvannamalai District.



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5. The Assistant Engineer,
Operation and Maintenance,
Tamil Nadu Electricity Board,
Arni, Tiruvannamalai District.

6. Vinothkumar

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act to set aside the order dated 18.11.2021 made in W.P.No.24493/2021 passed by this court, by allowing the present writ appeal.

For Appellant : Mr.A.Gouthaman

For Respondents : Mrs.Daniel Mary, Standing Counsel
for respondents 1 to 5.

Mr.V.Gautham, for 6th respondent

JUDGMENT

(Order of the Court was delivered by D.KRISHNAKUMAR, J.)

This Intra Court appeal has been filed by the writ as against the order passed by the learned Single Judge in W.P.No.24493/2021, dated 18.11.2021, in and by which his claim " *to quash the orders passed by the Electricity Board, dated 06.10.2021, disconnecting the electricity connection of the writ petitioner and also the order passed by the Board, dated 22.10.2021 , denying to restore the electricity connection "*, was

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denied.

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2. According to the appellant, he is owner of the property in S.No.35/1A1B to an extent of 4.30 acres and in S.No.35/3 to an extent of 0.70 cents in Velapadi Village Account, Arni Taluk, Tiruvannamalai District and he purchased the said properties through a registered sale deed dated 16.03.2005 in document No1244/2005. It was came to know the appellant that the Tahsildar of Arni Taluk had given title certificate in favour of the 6th respondent and based on which, he gave a complaint to the 5th respondent against the appellant. Subsequently, the 5th respondent, vide order dated 06.10.2021, had disconnected the electricity service connection of the appellant's house, which is leased out to his two tenants, on the ground that the appellant had not established his title. Subsequently, though the appellant gave representations seeking restoration of electricity connection, the same was denied, vide impugned order dated 22.10.2021. Hence, he filed the writ petition and the same was dismissed on the ground that he has not produced any substantial material to establish his right in the property and the certificate issued by the Village Administrative Officer will



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not confer any right to him. As against the order of the learned Single Judge, this writ appeal has been filed.

3. Heard the learned counsel for the appellant and the learned counsel for the respondents and we have also gone through the materials on record.

4. According to the appellant, he is the owner of the subject matter of the property, vide sale deed dated 16.03.2005 and he leased out his property to his tenants, vide lease agreement dated 03.03.2021. However, his title was denied by the 6th respondent and based on his complaint, the respondent Board had disconnected the electricity service connection of the appellant. On perusal of the records, it reveals that the appellant has filed sale deed and the lease agreement to prove his title over the property. However, the title of the subject property has been claimed by the sixth respondent also, based on the certificate issued by the Tahsildar. Even though electricity is a basic amenity, when the six respondent made objection before the Board with regard to the electricity service connection granted to the appellant, claiming that he is the owner of the property, the



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Board, after getting legal opinion, vide letter No.035716/C11/ 2021-1, dated 05.10.2021, has disconnected the service connection, by passing the impugned orders and not restored the same, as the appellant has not produced the documents, as required by the Board. In such circumstances, the writ court, sitting under Article 226 of the Constitution of India, cannot go into the issue of deciding the title and right of the parties over the property and hence, has rightly dismissed the writ petition granting liberty to the parties to approach the civil court to get the declaratory relief with regard to the right and title of the properties. As such, we are not inclined to interfere with the order passed by the learned Single Judge.

5. Accordingly, this writ appeal is dismissed and the order passed by the learned Single Judge is upheld. No costs. Consequently, connected miscellaneous petitions are closed. Liberty is granted to the appellant to agitate the matter before the competent civil court.

(D.K.K.J.) (K.B.J.)

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