



WEB COPY



W.P.No.11090 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.11090 of 2022
and W.M.P.Nos.10685 & 10686 of 2022

G.A.Simon Raj

...Petitioner

-Vs -

1. The Chief Executive Engineer,
TANGEDCO,
No.800, Anna Salai,
Chennai – 600 002.
2. The Executive Engineer,
TNEB (O & M),
Sriperumbuthur,
Kancheepuram District.
3. The Assistant Engineer (O&M),
TANGEDCO,
Ushain Nagar, Mannur,
Thiruvallur Taluk & District – 602 105.

4. L.S. Chardrika

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Ceritorarified Mandamus, to call for the records of the third respondent in ref. No.க.எண்.உபொ/இ&ப/மண்ணூர்/வ.ஆ/கோ.கட்டு/அ.எண்.252/2021 நாள் 12.10.2021 and quash the same.



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For Petitioner : Mr.K.Balaji
For Respondents
For R1 to R3 : Mr.L.Jai Venkatesh
Standing Counsel
For R4 : No appearance

ORDER

This writ petition has been filed challenging the order passed by the third respondent dated 12.10.2021, thereby rejected the request made by the petitioner to disconnect the electricity connection provided to the fourth respondent in the land comprised in survey No.30/2 situated at 136, Thodukkadu Madura, Namachivayapuram Village, Thiruvallur Taluk.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court. Though notice served on the fourth respondent and her name also printed in the cause list, no one is appeared on behalf of her before this Court.

3. The petitioner had purchased the property comprised in survey No.30/2 situated at 136, Thodukkadu Madura, Namachivayapuram Village, Thiruvallur Taluk, to an extent of 2.26 acres



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by a registered sale deed dated 24.05.2006, vide document No.8855 of 2006 from one CH.Suguna. The said property originally belongs to one CH.Sathyam and he died intestate leaving behind his wife CH.Suguna as his legal heir. Further on his demise other two persons viz., Kamala and Bakiyalakshmi who are also claiming to be a wife and daughter of CH.Sathyam, filed suit for declaration declaring that they are owners of the suit property before this Court in C.S.No.391 of 1989. However, the said suit was dismissed and the appeal was also dismissed by this Court in O.S.A.No.49 of 1994. Once again they filed another suit in O.S.No.5658 of 1997 on the file of the City Civil Court, Chennai, for declaration to declare that they are the legal heirs of late CH.Sathyam. The said suit was also dismissed by the decree and judgment dated 15.06.2002.

4. In fact, the petitioner's vendor applied patta and the same was rejected. Aggrieved by the same, she preferred appeal before the Revenue Divisional Officer and the same was ordered and directed the Tahsildar to issue patta in favour of the legal heir of the said CH.Sathyam. Aggrieved by the same, the petitioner as well as the fourth respondent preferred revision before the second respondent herein and



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the second respondent dismissed the revision filed by the fourth respondent. Aggrieved by the same, the fourth respondent filed Writ Petition in W.P.No.3412 of 2010 and the same was also dismissed by this Court by an order dated 10.08.2021.

5. Once again, the fourth respondent filed suit in O.S.No.115 of 2017 for bare injunction and O.S.No.68 of 2021 for declaration declaring that the settlement deed executed by the petitioner in favour of his wife as null and void. In fact, the suit filed by the fourth respondent in O.S.No.115 of 2015 for bare injunction was also dismissed by the judgment and decree dated 31.10.2022 on the file of the learned Principal District Munsif, Tiruvallur. Therefore, it is clear that the petitioner purchased the property from the legal owner and he is in possession and enjoyment of the said property.

6. In view of the above discussion, the fourth respondent is not entitled for any electricity connection for the subject property. Therefore, the order impugned in this writ petition cannot be sustained and liable to be quashed. Accordingly, the impugned order passed by the third respondent in ref. No. க.எண்.உபொ/இ&ப/மண்ணூர்/வ.ஆ/கோ.கட்டு/



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அ.எண்.252/2021 dated 12.10.2021, is hereby quashed. The petitioner is directed to produce all the documents before the third respondent. On receipt of the same, the third respondent is directed to transfer the electricity service connection, which was provided in favour of the fourth respondent for the property comprised in survey No.30/2 situated at 136, Thodukkadu Madura, Namachivayapuram Village, Thiruvallur Taluk, in favour of the petitioner, within a period of four weeks from the date of receipt of a copy of this Order.

7. Accordingly, the Writ Petition stands allowed. Consequently, connected miscellaneous petitions are closed. There shall be no orders as to costs.

12.04.2024

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No

rts



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G.K.ILANTHIRAIYAN. J.

rts

To

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