



W.P.No.3701 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Order reserved on 20.03.2024

Order delivered on 03.06.2024

CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU

W.P.No.3701 of 2021

and

W.M.P.No.4227 of 2021

M.Muthulakshmi
W/o Mathivanan

.... Petitioner

Vs

1. The Chairman-cum-Managing Director,
TANGEDCO,
NPKRR Maligai,
No.144, Anna Salai,
Chennai - 600 002.
2. The Superintending Engineer,
TANGEDCO,
Thiruppur Road,
Udumalaipettai,
Thiruppur District - 642 126.
3. The Executive Engineer,
TANGEDCO,
Udumalai Pettai Sub-Division,
Udumalai Pettai,
Thiruppur District - 642 126.



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4. The Assistant Engineer,
Operation and Maintenance,
TANGEDCO,
Komaralingam,
Thiruppur District - 642 204.

5. A.Umamaheswari,
W/o Granavadivelu.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the production of the records relating to the order dated 21.03.2020 made in letter No.UMIPO/Epe/Ku/VAAA/ KA.Thani/A.No.63/2020 passed by the 4th respondent herein and quash the same and direct the 4th respondent to restore the electricity supply connection to S.No.646/1 Komaralingam, Madathukulam Taluk, Thiruppur District.

For Petitioner : Mr.S.Senthilnathan

For Respondents : Mr.L.Jaivenkatesh,
Standing Counsel for R1 to R4
Mr.U.Karunakaran for R5

ORDER

This Writ Petition has been filed challenging the order dated 21.03.2020 passed by the 4th respondent, disconnecting the electricity service connection to the petitioner's agricultural land and direct the 4th respondent



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to restore the electricity supply connection to S.No.646/1 Komaralingam, Madathukulam Taluk, Thiruppur District.

2. The case of the petitioner is that she is a cultivating tenant in respect of SF.646/1, Thotta Sali, Madathukulam, Komaralingam, Thiruppur District. In the said land, the petitioner has constructed a shed to stay and look after the agricultural operation. The petitioner sought electricity service connection for the said shed. The petitioner was given electricity supply connection on 24.01.2020. While so, the 5th respondent appeared to have given a letter to the 4th respondent claiming that she is the owner of the land and requested to disconnect the electricity supply. The 4th respondent, who gave electricity supply, on verifying the documents produced by the petitioner, issued proceedings dated 13.02.2020 and asked the petitioner to produce the documents and threatened to disconnect the electricity supply. The petitioner filed W.P.No.5189 of 2020 before this Court to quash the proceedings dated 13.02.2020. According to the petitioner, when the said writ petition came up for admission, the learned Judge orally asked the learned Government Pleader not to disconnect the electricity connection. Notice was sent to the 4th respondent and the same was acknowledged on 09.03.2020. However, the 4th respondent disconnected the electricity supply on 21.03.2020. Hence, the



present writ petition has been filed with the aforesaid relief.

3. (i) Learned counsel for the petitioner would submit that the petitioner constructed a shed to stay and look after the agricultural operation and sought for electricity service connection and the same was given on 24.01.2020, based on the residence certificate, legal opinion of the Government Pleader and on executing indemnity bond in compliance with Rule 27(4)(ii) of the Electricity Code. The 5th respondent, who is the subsequently purchaser/owner of the land, gave objection letter dated 11.02.2020 to the 4th respondent claiming that she is the owner of the land and requested to disconnect the electricity supply given to the petitioner. According to the counsel for the petitioner, the Assistant Engineer/4th respondent gave electricity supply only on verifying the documents produced by the petitioner. However, he issued proceedings dated 13.02.2020 asking the petitioner to produce documents within 7 days and threatened to disconnect electricity supply. Hence, the petitioner filed W.P.No.5189 of 2020 before this Court against the said proceedings and pending the said writ petition, EB connection was disconnected by passing the impugned order and therefore, the earlier W.P.No.5189 of 2020 was closed by this Court.



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(ii) Learned counsel would further submit that the 5th respondent A.Umamaheswari purchased the property vide Sale deed dated 26.02.2014 from the original owner Kamala Ganapathy Subramanian. The present writ petition is filed challenging the disconnection of electricity supply given to the shed of the petitioner in the land under her cultivation. Learned counsel would further submit that only after verification of documents submitted by the petitioner such as residence certificate and based on the legal opinion of the Government Pleader and on execution of Indemnity Bond, EB connection was given. The 4th respondent has stated in the impugned order dated 13.02.2020 that the petitioner has not produced documents as sought for by them for EB connection.

(iii) Learned counsel would further submit that after getting EB connection, the question of again producing documents does not arise. The EB authorities are acting in prejudicial manner and at the instigation of the 5th respondent. The petitioner has produced the order dated 16.12.2004 passed by the Revenue Court in FRA No.1 of 2004, wherein the original owner Tmt.Kamala Ganapathy Subramanian and the vendor of 5th respondent A.Umamaheswari, has sought for increase of annual lease amount in respect of the lands measuring 3 acres in Survey No.646/1 by recognising the



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petitioner as a cultivating tenant. Based on which, the Revenue Court has increased the annual cultivation lease amount from Rs.1000/- to Rs.15,000/- for the aforesaid land. Thus, the order dated 16.12.2004 of the Revenue Court recognized the petitioner as a cultivating tenant and the same is binding on the 5th respondent as she has purchased the property thereafter by sale deed dated 26.02.2014. Therefore, the contention of the 5th respondent that the petitioner is not a cultivating tenant has to be rejected and the EB connection has to be restored.

(iv) Learned counsel would further submit that the 5th respondent has produced the order dated 03.07.2018 passed by the Tahsildar, confirmed by the order of the DRO dated 24.3.2022 and 21.06.2023 that the claim of the petitioner to register as cultivating tenant is rejected. However, as against the said orders CRP.SR.No.34912 of 2024 has been filed before this Court and the same is pending. Learned counsel would state that the revenue authorities have cited civil cases in O.S.No.213 of 2015 on the file of Sub Court, Udumalpet and other proceedings in A.S.No.17 of 2021, in which, the petitioner herein is not a party and the same has got nothing to do with the electricity connection. The reason for rejection by the revenue authorities is that the petitioner is not able to produce the lease document signed by the



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landlord/5th respondent. The petitioner did not produce the said document since the 5th respondent refused to execute lease. Since the 5th respondent did not produce any order from the Revenue Court under Section 3(4) of the Cultivating Tenants Protection Act or competent Civil Court, evicting the petitioner from the lands in Survey No.646/1, until the petitioner is evicted from the said property in the manner known to law, she is entitled for EB connection and hence, the same has to be restored. The petitioner has produced ration card, Aadhaar Card, Residence Certificate dated 02.09.2023 for proof of residence. Therefore, the impugned order dated 13.02.2020, disconnecting the electricity service connection has to be quashed and EB connection has to be restored.

4. (i) Per contra, the learned counsel appearing for the 5th respondent/contesting respondent would submit that the 5th respondent is the absolute owner of the property comprised in Survey Nos. 642/1, 642/2, 643/1, 643/2, 644/1, 644/2, 644/3, 638/1, 638/2, 645/1, 645/2, 646/1, 646/2, 647/1 and 647/2 situated at Kumaralingam Village, Madathukulam Taluk, Thirupur District vide sale deed dated 26.02.2014 purchased from one Kamala Ganapathy Subramaniam. The patta relating to the above said survey numbers



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are transferred in their name from their vendor and the patta granted in their favour was challenged by one Vidyashankar and 9 others who are instigated by him including the above referred Muthulakshmi W/o Mathivanan. Pursuant to the detail enquiry conducted by the RDO, the patta transferred in their name was confirmed following the above sale deeds and by the order of this Court dated 28.08.2019 made in W.P.No.7265/2017, the same was confirmed. In the said order, the facts relating to the claim of the petitioner has been dealt with and concluded and confirmed that the patta granted in favour of them is valid.

(ii) Learned counsel would further submit that the 5th respondent filed O.S.No.213/2015 on the file of Sub Court, Udumalpet seeking injunction restraining one K.Vidyasankar who is attempting to interfere with their peace full possession and enjoyment of the property including the property comprised in survey No.646/1, for which, the petitioner has got service connection by playing fraud. In the I.A. filed in the said suit, it is held that the 5th respondent and others are in possession of the property comprised in the above survey numbers from the date of their purchase and granted interim injunction vide order dated 08.01.2016 made in I.A.No.477/2015 in O.S.No.213/2015 on the file of Sub Court, Udumalpet, by giving detailed



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findings. The petitioner also filed I.A.No.129/2017 in the said O.S. to implead herself in the said suit, but the same was dismissed on 23.11.2017. The petitioner herein did not challenge the said order and the said order is binding on her.

(iii) Learned counsel would further submit that in O.S.No.213/2015 filed by the 5th respondent, she had stated that K.Vidhyasankar is attempting to set up title in favour of third parties viz., the petitioner herein by creating documents to show locus standi and hence, the 5th respondent has given objection letter through her advocate not to grant service connection to anyone. Only on 03.07.2018, the petitioner herein had preferred application before the Tahsildar, Madahtukulam claiming to register her as a cultivating tenant relating to the said S.Nos.642/1, 642/2, 643/1, 643/2, 644/1, 644/2, 644/3, 638/1, 638/2, 645/1, 645/2, 646/1, 646/2, 647/1 and 647/2 situated at Kumaralingam Village, Madathukulam Taluk, Thirupur District, which belongs to them. Thus, the petitioner is not a tenant until then and only attempting to get her name included in the patta under the instigation of the said Vidhyasankar. The Tahsildar, after conducting detail inquiry, rejected her claim vide order dated 03.07.2018. Against which, the petitioner preferred an appeal before the Revenue Divisional Officer, Tiruchirappalli, which was also



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dismissed holding that the petitioner herein is not a cultivating tenant.

Aggrieved by the order of the RDO, the petitioner preferred an appeal before the District Revenue Officer, Tirupur. The said appeal was also dismissed holding that the petitioner is not the cultivating tenant in the subject property.

(iv) Learned counsel would further submit that the petitioner was never the cultivating tenant at any point of time. Even assuming without admitting that the petitioner was asked to pay the rent, the petitioner failed to produce any document evidencing payment of rent to the absolute owner of the property, Mrs.Kamala Subramaniam until she sold the property to 5th respondent in the year 2014. The petitioner never questioned the sale deed in favour of the 5th respondent till this day and she filed a petition to implead herself only in the year 2018 in the suit filed by the 5th respondent against the said Vidyasankar.

(v) Learned counsel would further submit that without having any semblance of right over the property comprised in survey No.646/1 which belongs to the 5th respondent by virtue of sale deed dated 26.02.2014 and patta, the petitioner falsely created residence certificate and had obtained electricity service connection for the purpose of grabbing the property of the 5th respondent. Further, the petitioner herself had stated that the land is an



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agricultural land and she had falsely claimed as a cultivating tenant. She had created document as if it is a residential property and obtained residential certificate and the same was duly cancelled by the authority by conducting detail enquiry. The petitioner is constantly creating some documents to show possession over the property to achieve her illegal object. After the cancellation of the residential certificate and after giving opportunity, the service connection granted in favour of the petitioner has been disconnected in accordance with law. The petitioner has not produced Adangal, patta or any document of revenue record to show that she is the cultivating tenant. Hence, she is not entitled to get any relief in this writ petition.

5. (i) Learned Standing Counsel appearing for the TANGEDCO would submit that the petitioner was granted residential electricity service connection No.312-010-1221 on 22.01.2020 for the property situate at Survey No.646/1, Thotta Salai Madathukulam, based on the residential certificate and indemnity bond produced by the petitioner. On 11.12.2020, it was informed by the 5th respondent that based on her complaint before the RDO that she is the owner of the said survey number and the petitioner has been wrongly granted electricity service connection, the Tahsildar vide proceedings dated



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04.02.2020 recommended for cancellation of residential certificate granted to the petitioner. A notice was sent to the petitioner on 13.02.2020 to produce necessary documents within 7 days, failing which, the service connection will be disconnected. Since no proper documents have been produced by the petitioner, the electricity service connection was disconnected on 24.03.2020. The petitioner herein preferred two writ petitions in W.P.No.3701 of 2021 challenging the proceedings of the 4th respondent dated 21.03.2020 and another in W.P.No.3709 of 2021 challenging the proceedings of the Revenue Tahsildar dated 04.02.2020.

(ii) Learned Standing Counsel would further state that since the electricity service connection has been disconnected on 24.03.2020, the service connection could be restored if the petitioner comes within two years of disconnection as per the Regulation 22(7) of the Electricity Supply Code. If reconnection is sought after 2 years, the licensee will treat them as new applicant and supply will be effected after recovering charges for new service connection. The service connection (312-010-1221) Account was already closed. Hence, this Hon'ble Court may consider the status report and pass suitable orders.



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6. Heard the learned counsel for the petitioner, the learned standing counsel appearing for the respondents 1 to 4, the learned counsel appearing for the 5th respondent and perused the materials available on record.

7. It is the case of the petitioner that she is a cultivating tenant in respect of SF.646/1, Thotta Sali, Madathukulam, Komaralingam, Thiruppur District. She has filed this writ petition challenging the order of disconnection of electricity connection to her agricultural land, passed by the 4th respondent in respect of the aforesaid survey number and seeking for a direction to direct the 4th respondent to restore the electricity supply connection.

8. It is seen from the records that in the dispute regarding transfer of patta in respect of the subject property, a detail enquiry was conducted by the RDO and the patta was transferred in the name of Umamaheswari/5th respondent herein and Gnanavadivel, based on the sale deeds dated 22.06.2014 and the same was confirmed by the order of this Court dated 28.08.2019 made in W.P.No.7265/2017. Thus, the claim of the petitioner has been dealt with and concluded and confirmed that the patta granted in favour



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of 5th respondent herein is valid.

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9. Further, in respect of the disputed property, a suit in O.S.No.213/2015 has been filed by the 5th respondent herein, in which, I.A.No.477/2015 in O.S.No.213/2015 has been filed and an interim injunction was granted on 08.01.2016 holding that the 5th respondent herein and others are in possession of the property from the date of purchase. The implead petition filed by the petitioner herein in I.A.No.129/2017 in O.S.No.213/2015, to implead herself as a party respondent was dismissed and the said order was not challenged by this petitioner. Therefore, the said order is binding on her.

10. Further, since one K.Vidhyasankar was attempting to set up title in favour of third parties viz., the petitioner herein by creating documents, the 5th respondent herein filed the aforesaid O.S.No.213/2015 and has also given objection letter through her advocate not to give service connection to anyone in respect of the subject property. Only subsequently, i.e., on 03.07.2018, the petitioner has filed an application before the Tahsildar, Maduranthagam, to register her name as a cultivating tenant relating to the said S.Nos.642/1,



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642/2, 643/1, 643/2, 644/1, 644/2, 644/3, 638/1, 638/2, 645/1, 645/2, 646/1, 646/2, 647/1 and 647/2 situated at Kumaralingam Village, Madathukulam Taluk, Thirupur District. Thus, it is confirmed that the petitioner is not a tenant till the application was made. The said Tahsildar, also rejected her claim after conducting a detailed inquiry. The appeal filed before the RDO against the order passed by the Tahsildar was also dismissed and the appeal filed against the order of RDO before the District Revenue Officer, Tiruppur was also dismissed. Thus, thrice the order had been passed against the petitioner's claim.

11. Further, the petitioner also did not produce any document to show that she is paying rent to prove that she is the cultivating tenant. Till date, the petitioner also did not question the sale deed made in favour of the 5th respondent herein. The 5th respondent has proved her title over the subject property by way of sale deed dated 26.02.2014 and also the patta which stands in her name. Somehow, the petitioner obtained the residence certificate to prove possession over the property and also obtained electricity connection which was duly cancelled by the authority by conducted detailed enquiry. Only after detail enquiry, the residential certificate was cancelled and



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only after giving opportunity, the service connection granted in favour of the petitioner has been disconnected. Therefore, the impugned order passed by the 4th respondent is in accordance with law. Based on the complaint by the 5th respondent before the RDO stating that she is the owner of the said survey number and that the petitioner has been wrongly granted electricity service connection, the Tahsildar vide proceedings dated 04.02.2020 recommended for cancellation of residential certificate granted to the petitioner. A notice was also sent to the petitioner on 13.02.2020 for production of necessary documents. Since no proper documents have been produced by the petitioner, the electricity service connection was disconnected on 24.03.2020.

12. It is also seen from the records that the petitioner herein had preferred two writ petitions, one, the present writ petition, challenging the proceedings of the 4th respondent dated 21.03.2020 and the other, W.P.No.3709 of 2021, challenging the proceedings of the Revenue Tahsildar dated 04.02.2020, cancelling the residential certificate. The said W.P.No.3709 of 2021 was disposed of by this Court on 23.03.2021, by remanding the matter back to the Revenue Tahsildar to pass final orders on the 5th



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respondent's herein/ Umamaheswari's complaint on merits within 12 weeks from the date of the order.

13. Be that as it may, a status report dated 16.03.2024 has been filed by the 4th respondent stating that the electricity service connection has been disconnected on 24.03.2020 and the service connection could be restored if the petitioner comes within two years of disconnection as per Regulation 22(7) of the Electricity Supply Code, otherwise, the licensee will treat them as a new applicant and supply will be effected after recovering charges for new service connection and further, the service connection of the petitioner in Account No.312-010-1221 was already closed.

14. Admittedly, thrice orders had been passed as against the petitioner's claim. The authority, only after detail enquiry, cancelled the residential certificate issued to the petitioner and only after giving opportunity, the service connection granted in favour of the petitioner has been disconnected on 24.03.2020, i.e., before four years. No proper documents have been produced by the petitioner to prove her claim. On the other hand, the 5th respondent has produced necessary documents to show her bonafide.



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Therefore, this Court is of the view that the petitioner is not entitled to get any relief in this writ petition. The order passed by the 4th respondent does not warrant any interference by this Court.

15. In the result, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No

Internet : Yes / No

To

1. The Chairman-cum-Managing Director,
TANGEDCO, NPKRR Maligai,
No.144, Anna Salai,
Chennai - 600 002.
2. The Superintending Engineer,
TANGEDCO, Thiruppur Road,
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4. The Assistant Engineer,
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Pre-delivery order in
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and
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