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W.P.Nos.23903, 23906, 23907, 23910, 23913, 23914, 23916, 23918 & 23919 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2024

CORAM:

THE HON'BLE MR.JUSTICE **M.DHANDAPANI**

W.P.Nos.23903, 23906, 23907, 23910, 23913, 23914, 23916, 23918 & 23919 of 2024

W.P.No.23903 of 2024:

B.Baskaran

...Petitioner

Vs.

1. The Assistant Engineer,
O&M/RVE Nagar, TANGEDCO,
Tiruppur Electricity Distribution Circle,
Maniakarampalayam Road, Rakkiapalayam Road,
Tiruppur- 641 606.

2. The Executive Officer,
Arulmighu Vishweswara Swamy Temple,
Nallur, Tiruppur District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1st respondent Electricity Board to effect residential electricity service connection to the petitioner residential house under Tariff- IA situated at D.No.4/33, SF.No.189, Site No.45, Valliyammai Nagar, RVE Nagar, Nallur, Tiruppur District based on his application dated 17.7.2024 without insisting NOC from the 2nd respondent.



W.P.Nos.23903, 23906, 23907, 23910, 23913, 23914, 23916, 23918 & 23919 of 2024

In all W.P's.:

For Petitioner : Mr.S.K.Rameshwar

For Respondents : Mr.L.Jaiventakesh, for R1

: Mr.NRR.Arun Natarajan, Spl.GP, for R2

COMMON ORDER

Since the issue involved in all these Writ petitions are similar in nature, they are disposed of by way of this common order.

2. These Writ petitions have been filed seeking direction to the 1st respondent Electricity Board to effect electricity service connection to the petitioners' respective residential houses under Tariff- IA, by considering the petitioners' respective applications dated 17.07.2024, without insisting for No Objection Certificate (in short 'NOC') from the 2nd respondent.

3. Mr.L.Jaiventakesh, learned counsel takes notice on behalf of the 1st respondent, Mr.NRR.Arun Natarajan, learned Special Government Pleader takes notice on behalf of the 2nd respondent. In view of the consent expressed



W.P.Nos.23903, 23906, 23907, 23910, 23913, 23914, 23916, 23918 & 23919 of 2024

by the learned counsel on either side, these petitions are taken up for final disposal at the admission stage itself.

4. The case of the petitioners is that the petitioners are in continuous possession and enjoyment of the respective subject properties by constructing residential houses and they have purchased the same for valid sale consideration and on 17.07.2024, they applied for residential electricity service connection to their respective premises before the 1st respondent. However, till date, no orders have been passed on the said applications. Hence, these Writ petitions.

5. Learned counsel for the petitioners submitted that though the petitioners made applications seeking to effect electricity service connection to their respective premises, instead of effecting service connection, the 1st respondent had orally directed the petitioners to obtain NOC from the 2nd respondent, stating that the subject properties belongs to the 2nd respondent, which is not sustainable. Unless, the 2nd respondent proves its title over the subject properties before the competent civil court, the same cannot be a



W.P.Nos.23903, 23906, 23907, 23910, 23913, 23914, 23916, 23918 & 23919 of 2024

ground to keep the petitioners' applications pending, as the petitioners are entitled atleast for temporary electricity service connection. He further submitted that similarly situated persons have already approached this Court by way of filing W.P.No.21419 of 2024 and batch of cases and this Court, vide order dated 05.08.2024 directed the 1st respondent to process the applications filed by the respective petitioners and provide service connection to the petitioners. Accordingly, he prayed for similar orders.

6. Per contra, the learned Special Government Pleader appearing on behalf of the 2nd respondent submitted that, the similarly situated person had already filed suit for declaration and title in O.S.No.47 of 2003 and the same was decreed in favour of the 2nd respondent and the same was subsequently confirmed by this Court as well in A.S.No.5 of 2016, vide order dated 27.03.2018. The facts of the present case being similar, he prayed for dismissal of these Writ petitions.

7. On the above said contentions, heard learned counsel appearing for the 1st respondent and perused the material documents placed on record.



W.P.Nos.23903, 23906, 23907, 23910, 23913, 23914, 23916, 23918 & 23919 of 2024

WEB COPY

8. Though very many grounds have been raised by the learned counsel for the petitioners at the time of arguments, it is found on a perusal of the materials available on records reveals that, similarly situated person had filed suit for declaration and title in O.S.No.47 of 2003 in respect of the property alleged to have been owned by the 2nd respondent and the same was decreed in favour of the 2nd respondent and the same was subsequently confirmed by this Court as well in A.S.No.5 of 2016, vide order dated 27.03.2018.

9. Further, it is the claim of some of the petitioners that they have acquired the subject properties, vide unregistered deed of conveyance, while certain other petitioners claim the properties through registered deed. Though there are registered sale deeds, however, the title with regard to the lands have to be established before seeking electricity service connection as there is a dispute with regard to the title in the form of the 2nd respondent. In such view of the matter, no affirmative direction can be issued in favour of the petitioners herein and if at all, the petitioners have proper title over the



W.P.Nos.23903, 23906, 23907, 23910, 23913, 23914, 23916, 23918 & 23919 of 2024

respective properties, they can very well approach the 1st respondent seeking to effect electricity service connection to the disputed properties.

10. For the reasons aforesaid, these Writ petitions stand dismissed. No costs. However, liberty is granted to the petitioners to establish their title to the property in the manner known to law.

19.08.2024

skt

Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No

To:

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WEB COPY



W.P.Nos.23903, 23906, 23907, 23910, 23913, 23914, 23916, 23918 & 23919 of 2024

M.DHANDAPANI, J.

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W.P.Nos.23903, 23906, 23907, 23910, 23913, 23914, 23916, 23918 &
23919 of 2024

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