



W.P.No.25823 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.25823 of 2022

A.Parthasarathy

..... Petitioner

Vs.

1.The Superintendent of Engineer,
O/o. the Superintendent of Engineer,
TANGEDCO,
Kamarajar Building,
No.15, 10th East Main Road,
Gandhi Nagar,
Vellore – 632 006.

2.The Executive Engineer (TANGEDCO),
O/o.the Executive Engineer/O & M/ Arakkonam,
No.14, Thirumalai Achari Street,
Arakkonam – 631 001.

3.The Assistant Executive Engineer,
TNEB, Kumpinipet Village,
Arakkonam Taluk,
Ranipet District.

..... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondents to restore the electricity connection bearing Service No.08-292-008-647 to the petitioner's house at Plot No.50, comprised in New Punja S.No.363/2A1, Old S.No.363/2A, situated at No.73, Vaniyampettai Village, Thanigaipolur Panchayat, Arakkonam Taluk, Ranipet District – 631 003 with immediate effect.

For Petitioner : Mr.S.Vijayanand

For Respondents :Mr.S.Madhusudanan
SC (TNEB)

ORDER

The writ petition is filed seeking a direction to the respondents to restore the electricity connection bearing Service No.08-292-008-647 to the petitioner's house at Plot No.50, comprised in New Punja S.No.363/2A1, Old S.No.363/2A, situated at No.73, Vaniyampettai Village, Thanigaipolur Panchayat, Arakkonam Taluk, Ranipet District – 631 003.

2. It is the case of the petitioner that two persons viz., Srinivas Chittayar and R.M.Venkatesan approached the petitioner for purchase of the



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above said property and agreed to pay total sale consideration of Rs.17,20,000/-. The petitioner received a sum of Rs.10,20,000/- from them towards part of sale consideration during the period 2015-2016 on various dates. Thereafter, at the request of the said person, the petitioner executed a sale deed dated 16.03.2016 and registered the same on the file of SRO, Arakkonam in Document No.1329/2016. The petitioner was permitted to continue the occupation of the subject property as entire sale consideration was not paid. The above mentioned purchaser subsequently refused to pay sale consideration and hence, the petitioner was constrained to file a suit against them in O.S.No.60 of 2021 on the file of the District Munsif Court, Arakkonam and the same is said to be pending.

3. It is further stated by the petitioner that the respondents without issuing notice to the petitioner disconnected the electricity service connection to the petitioner's house. Therefore, he has filed this writ petition seeking necessary direction to the respondents to restore the electricity service connection.



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4. Mr.S.Madhusudanam, learned Standing Counsel (TNEB)

appearing for the respondents on instructions submits that subsequent to the sale deed executed by the petitioner in favour of 3rd parties, they produced a copy of the sale deed and got the transfer of the electricity service connection in their names. Subsequently, as per the request made by them, the power supply was disconnected 28.10.2020. The statement made by the learned counsel for the respondents is recorded.

5. In view of the submission made by the learned counsel for the respondents that the electricity service connection mentioned by the petitioner was already transferred in favour of the 3rd parties based on the sale deed executed by the petitioner and subsequently on the request made by them power supply was disconnected, this Court is not inclined to give any direction to the respondent in this writ petition. It is stated by the learned counsel for the petitioner that the petitioner obtained an interim order of injunction against the purchaser in O.S.No.60 of 2021 and hence his possession has to be construed as lawful. This Court is not inclined to go into the nature of possession of petitioner in this writ petition, especially in the absence of said 3rd party purchasers.



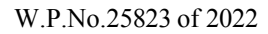
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6. It is always open to the petitioner to file a fresh application before the respondents seeking new electricity service connection again for the premises in which he is allegedly in possession, with supporting documents if any. If any such application is filed by the petitioner, the same shall be considered by the respondents in accordance with law. It is made clear that this Court is not expressing any opinion on the merits of the matter or nature and character of the possession of the petitioner.

7. Accordingly, this writ petition is disposed of. No costs.

25.11.2024

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