



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.27214 of 2024
and WMP.No.29720 of 2024

Boopalan

... Petitioner

Vs.

1.The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Electricity Distribution Taluk,
Villupuram.

2. The Executive Engineer (O&M)
Tamil Nadu Generation and Distribution Corporation Ltd.,
Villupuram District.

3. The Assistant Executive Engineer (O & M)
Tamil Nadu Generation and Distribution Corporation Ltd.,
Murukkeri, Tindivanam Taluk,
Villupuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the impugned communication passed by the 3rd respondent in K.No.AE/O & M/Murukkeri/Ko.Vi.Pa./A No.164A/24-25 dated 28.08.2024 and to quash the same and consequently direct the 3rd respondent not to disconnect the said electricity connection in pursuance of the interim orders dated 22.09.2021 and 21.10.2021 in IA.No.919/2021 in O.S.No.128/2021 passed by the Additional District Munsif Court at Tindivanam.



For Petitioner : Mr.H.Rajasekar

For Respondents : Mr.L.Jaivenkatesh, Standing Counsel

ORDER

The Writ Petition has been filed seeking to quash the impugned communication passed by the 3rd respondent in K.No.AE/O & M/Murukkeri/Ko.Vi.Pa./A No.164A/24-25 dated 28.08.2024 and to quash the same and consequently direct the 3rd respondent not to disconnect the said electricity connection in pursuance of the interim orders dated 22.09.2021 and 21.10.2021 in IA.No.919/2021 in O.S.No.128/2021 passed by the Additional District Munsif Court at Tindivanam.

2. It is the grievance of the petitioner that the property measuring about 0.16.0 Ares out of 1.26 acres in New S.No.5/5 Singanandal Village, Marakkanam Taluk, Villupuram District was purchased by the petitioner's father Erusappa Gounder on 22.08.1991 by virtue of the sale deed in Doc.No.1355 of 1991 on the file of the SRO, Marakkanam from on Ameer Bi, wife of qudus Sahib and her children. There was an oral partition between the petitioner and his legal heirs. In the said partition, the property measuring 40 cents as stated supra was allotted to the petitioner. He is cultivating in the said land and the



petitioner and his ancestors have been in possession and enjoyment of the said property for about 30 years and the petitioner have been paying all the taxes for the building in the said property.

3. Such being the position, in the year 2020 one Jackaria and his wife Kathoon Bi claimed the title through an alleged self serving settlement deed dated 05.11.2014 executed by wife kathoon Bi in favour of her husband Zackaria and started to interfere with his peaceful possession and enjoyment. Hence, the petitioner's son had filed a suit in O.S.No.128/2021 before the learned Additional District Munsif, Tindivanam against the said persons for a relief of declaration of title and to declare a fraudulent settlement dated 05.11.2014 as null and void. He had filed an interlocutory application in IA No.919/2021 and obtained interim order vide its order dated 22.09.2021, in his favour and on 21.10.2021, the trial Court granted status quo till the disposal of the suit,

4. That being so, based on the application preferred by the said Jackara and Kathoon Bi the patta which stood in the name of the petitioner, was cancelled and cancelled the settlement deed in Doc. No.2527 of 2015. The petitioner has also preferred an appeal against the said order before the Deputy



Inspector General of Registration, Cuddalore and the same is pending. Based on the said order, the third respondent herein had issued a communication dated 28.08.2024 for disconnection of the electricity in K.No.AE/O & M/Murukkeri/Ko.Vi.Pa./A No.164A/24-25. Challenging the same, the present petition has been filed.

5. The learned counsel for the petitioner submitted that when the civil court was passed interim order and status quo, the 3rd respondent ought not to have issued the impugned communication. However, without giving any opportunity to the petitioner, the present impugned order has been passed by the third respondent, which is unsustainable in law. Hence, the learned counsel seeks to quash the same by allowing the petition.

6. The learned Standing Counsel appearing for the respondents submitted that in view of the interim order granted by the trial Court, the impugned order is kept in abeyance. The respondent will not disconnect the electricity service connection till the disposal of the civil suit filed by the petitioner.

7. Heard the learned counsel for the petitioner and the learned Standing Counsel appearing on behalf of the respondents and perused the materials



available on record.

WEB COPY

8. In view of the fair submission made by the learned Standing counsel appearing for the respondent, this impugned order is set aside. Accordingly, the writ petition is allowed. However, liberty is granted to the electricity board to proceed the matter after disposal of the civil suit. No costs. Consequently, connected miscellaneous petition is closed.

20.09.2024

rl

To

1. The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Electricity Distribution Taluk,
Villupuram.

2. The Executive Engineer (O&M)
Tamil Nadu Generation and Distribution Corporation Ltd.,
Villupuram District.

3. The Assistant Executive Engineer (O & M)
Tamil Nadu Generation and Distribution Corporation Ltd.,
Murukkeri, Tindivanam Taluk,
Villupuram District.



WEB COPY



M.DHANDAPANI,J

rli

W.P.No.27214 of 2024

20.09.2024