



WEB COPY



W.P.No.29792 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.29792 of 2024

Ellamma

... Petitioner

Vs.

1.The Superintending Engineer,
TANGEDCO,
Krishnagiri District.

2.The Executive Engineer,
Operation and Maintenance,
TANGEDCO, Hosur,
Krishnagiri District.

3.The Assistant Executive Engineer,
Operation and Maintenance,
TANGEDCO,
Hosur,
Krishnagiri District.

4.The Junior Engineer,
Operation and Maintenance,
Hosur,
Krishnagiri District.

5.M.Kumarasamy

6.R.Prabhu

... Respondents



W.P.No.29792 of 2024

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, to direct the respondents 1 to 4 to consider the objection of the petitioner dated 05.09.2020, 19.10.2022 and 16.12.2023 with regard to providing electricity connection to the disputed property/land S.No.418/1D, total extent of 0.60.5 Hector in this an extent of 1.12 ½ Acres, Mookandapalli Village, Hosur Taluk, Krishnagiri District, and direct the respondents 1 to 4 disconnect the electricity connection in S.C.Nos.080790028771 and 080790028334 given to the 5th and 6th respondent till the disposal of the suit in O.S.No.422/2006 on the file of District Munsif Court, Hosur.

For Petitioner : Mr.M.Venkatesh

For Respondents : Mr.S.Madhusudhanan
Standing Counsel [R1 to R4]

ORDER

This Writ Petition has been filed by the petitioner seeking for a Writ of Mandamus, to direct the respondents 1 to 4 to consider the objection of the petitioner dated 05.09.2020, 19.10.2022 and 16.12.2023 with regard to providing electricity connection to the disputed property/land S.No.418/1D, total extent of 0.60.5 Hector in this an extent of 1.12 ½ Acres, Mookandapalli Village, Hosur Taluk, Krishnagiri District, and direct the respondents 1 to 4 disconnect the electricity connection in S.C.Nos.080790028771 and 080790028334 given to the 5th and 6th respondent till the disposal of the suit in O.S.No.422/2006 on



W.P.No.29792 of 2024

the file of District Munsif Court, Hosur.

WEB COPY

2. Mr.S.Madhusudhanan, learned Standing Counsel, accepts notice on behalf of the respondents 1 to 4. In view of the consent expressed by the learned counsel for the parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. Since no adverse order has been passed against the respondents 5 and 6, notice to the respondent 5 and 6 is dispensed with.

4. The case of the petitioner is that, she is residing in the above mentioned address. Her father namely Muniyappa is the absolute owner of the above said properties and he died about 41 years ago leaving behind the petitioner, her mother and her 4 brothers as legal heirs. After demise of her father, the petitioner and others are in peaceful possession and absolute enjoyment of the property. Whiles, one Ellappa filed a suit in O.S.No.471 of 1989 on the file of the District Munsif Court, Hosur against the petitioner's family members and others for partition of S.No.416 and 418/1D of Mookandapalli Village, Hosur Taluk, Krishnagiri District and the same was dismissed on merits vide order



W.P.No.29792 of 2024

dated 27.02.2016, against which, no appeal has been preferred by the plaintiff therein. During the pendency of O.S.No.471 of 1989, one K.M.Chandrasekar, who in collusion with scribe and attestors and by misrepresentation, fabricated sale deed dated 07.11.1989 in Document No.5776 of 1989 and the plaintiff in O.S.No.471 of 1989 Kothur Ellappa along with sons colluding with the said K.M.Chandrasekar through General Power of Attorney K.L.Sampath Nagaraj of Hosur, executed and registered a sale deed dated 25.01.1996 in favour of one Narayanan Reddy. On coming to know the same, the petitioner and others have filed a suit in O.S.No.422 of 2006 before the District Munsif Court at Hosur for declaration and to set aside the sale deed document dated 07.11.1989 and the same is pending. Whiles, the said K.M.Chandrasekar died on 08.05.2012 leaving behind his only son, namely Manikandan to succeed his property. Thereafter, the petitioner applied for the Encumbrance Certificate and on receipt of the same, it is found that some part of the petitioner's property was fraudulently sold by the said K.M.Chandrasekar and L.Narayana Reddy and some others. Based on the forged sale deeds, the subsequent sale deeds were executed in favour of the 3rd parties. Therefore, the petitioner sent a legal notice on 19.10.2022 and also sent a



W.P.No.29792 of 2024

WEB COPY

detailed representation on 16.12.2023 to the respondents 1 to 4 from giving electricity connection in favour of the 3rd parties in respect of the disputed property by considering the representation dated 16.12.2023, till the disposal of the suit in O.S.No.422 of 2006. However, till date, the said objection and representation has not been considered. Therefore, the petitioner has filed this writ petition before this court for appropriate orders.

5. Though very many grounds have been raised in this writ petition, learned counsel for the petitioner submitted that, it would suffice, if this Court, issues a direction to the respondents 1 to 4 to consider the objection of the petitioner dated 05.09.2020, 19.10.2022 and 16.12.2023 with regard to providing electricity connection to the disputed property/land S.No.418/1D, total extent of 0.60.5 Hecter in this an extent of 1.12 ½ Acres, Mookandapalli Village, Hosur Taluk, Krishnagiri District, and direct the respondents 1 to 4 disconnect the electricity connection in S.C.Nos.080790028771 and 080790028334 given to the 5th and 6th respondent till the disposal of the suit in O.S.No.422/2006 on the file of District Munsif Court, Hosur.



W.P.No.29792 of 2024

WEB COPY

6. Considering the limited request made by the learned counsel for the petitioner, this court, without going into the merits of the case, directs the respondents 1 to 4 to consider the objection and representation of the petitioner dated 05.09.2020, 19.10.2022 and 16.12.2023 on merits and in accordance with law and pass appropriate orders, within a period of four (4) weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to the petitioner and aggrieved persons, if any.

7. With the above direction, this writ petition is disposed of. No costs.

15.10.2024

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation Case : Yes/No

sp



W.P.No.29792 of 2024

To
WEB COPY

- 1.The Superintending Engineer,
TANGEDCO,
Krishnagiri District.
- 2.The Executive Engineer,
Operation and Maintenance,
TANGEDCO, Hosur,
Krishnagiri District.
- 3.The Assistant Executive Engineer,
Operation and Maintenance,
TANGEDCO,
Hosur,
Krishnagiri District.
- 4.The Junior Engineer,
Operation and Maintenance,
Hosur,
Krishnagiri District



WEB COPY



W.P.No.29792 of 2024

M.DHANDAPANI, J.

sp

W.P.No.29792 of 2024

15.10.2024