



W.P.No.29661 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.29661 of 2023
& WMP.Nos.29268 & 29269 of 2023

R.Manjula

.. Petitioner

VS

- 1.The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution Corpn Ltd.,
6th Floor, TANTRANSCO Building,
No.144, Anna Salai,
Chennai – 600 002.
- 2.The Chief Engineer (Transmission Project-I)
Tamil Nadu Generation and Distribution Corpn Ltd.,
3rd Floor, Guindy 230 KV GIS SS,
A-10, Thiru-vi-ka Industrial Estate,
Guindy, Chennai – 600 032.
- 3.The Superintending Engineer / North Chennai,
Ground Floor, 5B, Block, 144, Anna Salai,
Chennai – 600 002.
- 4.The Executive Engineer / Perambur,
110 KV SS, E.B.Road, Moolakadai,
Chennai – 600 060.
- 5.The Assistant Executive Engineer / Sembium 110,
110 KV SS, EB Road, Moolakadai,
Chennai – 600 060.
- 6.The Assistant Engineer / Kolathur,



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No.14, Sakthivel Nagar, IInd cross street,
Peravallore,
Chennai – 600 082.

7.Arulmighu Selva Jothy Vinayagar Aalayam,
Rep. By Loganathan (Retd),
No.136B, 80 Feet Road,
East Thanigachalam Nagar,
Ponnamman Medu, Madhavaram,
Chennai – 600 110.

(R7 suo motu impleaded vide order
of this court dated 12.10.2023)

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records in relation to the Consumer No. 010750273484 dated 07.10.2023 of the petitioner's property bearing Plot No.38, Roy Nagar, Peravallur, Chennai – 600 099 in the records of the respondent Board, and quash the same consequently direct the sixth respondent to restore the name of the petitioner in the records of the sixth respondent.

For Petitioner : Ms.S.Hemalatha

For Respondents : Ms.Sindhuja (for R1 to R6)
for Mr.L.Jai Venkatesh

Mr.V.Lakshmi Narayanan (for R7)



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ORDER

Read this order in continuation of and conjunction with order dated

12.10.2023, that reads as follows:-

Mr.L.Jai Venkatesh, learned Standing Counsel accepts notice for R1 to R6 and seeks some time to obtain instructions and file a counter.

2. The dispute is in regard to a rival claim for electricity connection in respect of the property at S.Nos.1120/1 (part), 1116 and 1114 (part) of Madhavaram Village, Ambattur Taluk, Thiruvallur District (property/property in question). On 20.09.2023, electricity connection in respect of the property in question has been transferred to the name of the petitioner.

3. This Court is unaware as to in whose name the electricity connection stood prior to this transfer and for how many years. After the aforesaid transfer on 20.09.2023, the said electricity connection was again transferred in the name of Arulmighu Selva Jothy Vinayagar Aalayam (in short 'temple') and in neither instance, has the other party been heard.

4. Thus, it is for the authorities to hear both the parties concerned, consider the evidences that they may produce and take a decision in regard to whose name the electricity connection shall rest. If at all the connection stood in the name of the temple prior to 20.09.2023, then the name transfer in favour of the petitioner ought to have been made only after hearing the temple which has not been done. Likewise, the subsequent transfer to the name of the temple ought to have been done after hearing the petitioner, which also has not been done.

5. Arulmighu Selva Jothy Vinayagar Aalayam, rep. by Loganathan (Retd.) No.136B, 80 Feet Road, East Thanigachalam Nagar, Ponniyamman Medu, Madhavaram, Chennai – 600 110 is a necessary party to this Writ petition and is impleaded suo motu as R7 in this Writ Petition.

6. Notice through Court as well as privately to the newly impleaded R7, returnable 02.11.2023. Proof of service be placed on file.



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7. List on 02.11.2023. Counters by then with an advance copy served upon the petitioner.

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2. No counter has been filed by the impleaded temple/R7. A counter has been filed on behalf of R6, i.e., the Assistant Engineer of Tamil Nadu Electricity Board, Kolathur. In that counter, R6 states that on 20.09.2023 the petitioner, claiming to be the owner of the property in question had applied for transfer of electricity service connection bearing No.075-027-3484. The petitioner had produced the sale deed and manual patta and on the strength of the same, electricity service connection was transferred from R7 to the petitioner's name.

3. Thereafter, objections have been received on 03.10.2023 from R7, who also produced computer patta in their favour. The official respondents were also given to understand that there was an on-going dispute between the petitioner and R7 in respect of the property in question.

4. During the Consumer Grievance Meeting held on 06.10.2023, the petitioner was asked to produce certain other documents which were never produced. Hence, the authorities have proceeded to restore the connection in favour of R7, upon which the petitioner is aggrieved.

5. As already noted in the previous occasion, this is a case where



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rival contentions of both the parties have to be heard and it is needless to say that all the property disputes would be a matter for resolution before the Civil Court and not the TNEB authorities.

6. Be that as it may, let the authorities consider the claims of the parties prima facie and take an appropriate decision, including relegation to the Civil Court for redressal of the property dispute, if necessary.

7. In light of the decision as above, the impugned order is set aside and the matter is remanded to the file of R4. Let notice be issued to both the petitioner as well as R7 and an order passed by R4 after hearing both the parties, in accordance with law. This exercise will be completed within a period of six (6) weeks from date of receipt of a copy of this order.

8. This writ petition is disposed in the above terms. No costs.

Connected Miscellaneous Petitions are closed.

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Index:Yes/No
Neutral Citation:Yes
Speaking Order:Yes
mpl

To

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