



W.A.No.533 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.533 of 2024

The Tahsildar
Sankarapuram
Kallakurichi District
[Suo motu impleaded vide order dt.
11.04.2023 in W.P.No.33767/22]

.. Appellant

Vs.

1. T.Elumalai
2. The Superintendent Electricity Engineer
Tamil Nadu Electricity Board
Kallakurichi.
3. The Assistant Engineer
Tamil Nadu Generation and Distribution
Corporation Ltd.
Pudupattu, Kallakurichi District.

.. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 30.06.2023 made in W.P.No.33767 of 2022.



W.A.No.533 of 2024

WEB COPY

For the Appellant : Mr.R.Ramanlal
Additional Advocate General
Assisted by
Mr.C.Kathiravan
Special Government Pleader

For the Respondents : Mr.Venkateswaran
for Respondent-1

Mrs.Daniel Mary
for Respondents 2 & 3

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.R.Ramanlal, learned Additional Advocate General, assisted by Mr.C.Kathiravan, learned Special Government Pleader, Mr.Venkateswaran, learned counsel for the first respondent and Mrs.Daniel Mary, learned counsel for the respondents 2 and 3.

2. With the consent of parties, the appeal is taken up for final disposal.

3. Learned Additional Advocate General submits that the



W.A.No.533 of 2024

present appellant was added as the third respondent in the writ petition suo motu under order dated 11.04.2023. The writ petition was filed seeking electricity service connection to the writ petitioner's house at Kizhakku Street, Puthirambattu Village. However, in the final order, directions are issued to the present appellant to issue patta to the writ petitioner.

4. Learned Additional Advocate General submits that no opportunity was given to the appellant to defend the matter with regard to the grant of patta. The writ petitioner relied on forged documents. He referred to death certificate, legal heir certificate and also other documents.

5. Learned counsel for the first respondent/writ petitioner submits that a report was called for by the learned Single Judge. After going through the report and having been convinced, the order is passed directing the present appellant to issue patta. It is not behind the back of the appellant the order is passed by the



W.A.No.533 of 2024

WEB COPY

learned Single Judge. No error has been committed by the learned Single Judge.

6. The writ petitioner was only seeking direction to give electricity connection to his house. The petitioner had not sought issuance of patta. The present appellant is also added only on 11.04.2023. The final order is passed on 30.06.2023. The appellant certainly did not have the opportunity to defend the case so far as issuance of patta is concerned as that was not the subject matter in the writ petition at all. In view of that, the appellant was not in a position to comment upon the documents relied on by the writ petitioner. The Court can mould the relief in appropriate cases. However, when a higher relief is granted, the respondents in the writ petition ought to have been put to notice.

7. In the light of that, the impugned order is quashed and set aside and the matter is remitted to the learned Single Judge for deciding the writ petition afresh. The writ petitioner may file an



W.A.No.533 of 2024

WEB COPY

application for amendment if he so desires. The appellant may file counter affidavit to the writ petition within a period of six weeks from today.

8. The writ appeal is partly allowed. There shall be no order as to costs. Consequently, C.M.P.No.3676 of 2024 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

20.02.2024

Index : Yes/No

Neutral Citation : Yes/No

kpl

To

1. The Superintendent Electricity Engineer
Tamil Nadu Electricity Board
Kallakurichi.

2. The Assistant Engineer
Tamil Nadu Generation and Distribution
Corporation Ltd.
Pudupattu, Kallakurichi District.



WEB COPY



W.A.No.533 of 2024

THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

(kpl)

W.A.No.533 of 2024

20.02.2024