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W.P.No.39115 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.39115 of 2024
and W.M.P.Nos.42358 and 42359 of 2024

R.Indrani Ammal

... Petitioner

VS.

- 1.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.
- 2.The District Revenue Officer,
Thiruvannamalai District,
Thiruvannamalai.
- 3.The Revenue Divisional Officer,
Arani Revenue Division,
Arani, Thiruvannamalai District.
- 4.The Tahsildar,
Arani Taluk, Thiruvannamalai District.
- 5.The Assistant Engineer,
Tamilnadu Electricity Board,
Distribution & Maintenance,
S.V.City, Arani, Thiruvannamalai District.
- 6.V.Kalaimani

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the impugned proceedings



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records of the 5th respondent Electricity board vide Letter No. Jr.E.Eng./Distribution and Maintenance S.V.Nagaram/Ko.vm. No.101/2024 dated 20.11.2024 and quash the same.

For Petitioner : Mr.Govindasamy
For R1 to R4 : Mr.S.Balamurugan
Government Advocate
For R5 : Mr.Swami Subramaniam
Standing Counsel (TNEB)

ORDER

By consent of both the learned counsel appearing for the petitioner as well as respondents 1 to 5, this writ petition is disposed of at the admission stage itself.

2. The Writ Petition is filed challenging the impugned communication of the 5th respondent in Letter No.Jr.E.Eng./Distribution and Maintenance S.V.Nagaram/Ko.vm.No.101/2024, dated 20.11.2024 directing the petitioner to produce proof of ownership pertains to the property situated in Survey No.92/6 in Nesal Village, Arani Taluk, Thiruvannamalai District.

3. The petitioner said to have purchased the above mentioned property from one Rathinammal under a registered Sale Deed dated 10.10.2008 vide Document No.10404/2007 on the file of the Sub-Registrar



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Office, Arani. The said Rathinammal got the property under the assignment from the Government. The D-form patta issued to the petitioner's vendor Rathinammal was cancelled by the 3rd respondent vide his Proceedings No.Pa.Mu.A3/250/220, dated 19.02.2021. The said proceedings passed by the 3rd respondent is the trigger for the 5th respondent herein to issue impugned communication directing the petitioner to produce the document in support of her ownership.

4. The learned counsel appearing for the petitioner submits that aggrieved by the order passed by the 3rd respondent cancelling the assignment in favour of her vendor, the petitioner filed a revision before the 1st respondent on 30.03.2021 and the same is still pending. In the meantime, the 5th respondent herein issued impugned communication directing the petitioner to produce document in support of petitioner's ownership.

5. It is the case of the petitioner that unless the order passed by the 3rd respondent is set aside and revision filed by the petitioner is allowed in her favour, the petitioner may not be in a position to substantiate her right before the Authorities concerned.

6. When the dispute is pending in a revision before the 2nd respondent



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namely District Revenue Officer, Thiruvannamalai, the 5th respondent ought not have issued this impugned communication.

7. This Court finds there is force in the argument made by the learned counsel appearing for the petitioner. The assignment in favour of the petitioner's vendor was cancelled by the 3rd respondent and the same was challenged by the petitioner by filing a revision before the 2nd respondent. When the revision filed by the petitioner pertains to cancellation of assignment is pending, the 5th respondent ought not to have issued this communication. Therefore, in order to balance the rights of the parties, the 2nd respondent is directed to consider the revision filed by the petitioner dated 30.03.2021 and pass final orders on its own merits and in accordance with law, within a period of twelve weeks from the date of receipt of copy of this order, after issuing notice to the petitioner and 6th respondent. Till the revision filed by the petitioner is disposed of by the Competent Authority namely the 2nd respondent herein, the 5th respondent shall not disconnect the electricity service connection to the petitioner.



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WEB COPY 8. With this direction, the Writ Petition stands disposed of. No costs.

Consequently, the connected writ miscellaneous petitions are closed.

20.12.2024

Index : Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No

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To

1. The District Collector,
Thiruvannamalai District, Thiruvannamalai.
2. The District Revenue Officer,
Thiruvannamalai District, Thiruvannamalai.
3. The Revenue Divisional Officer,
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S.SOUNTHAR, J.

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