



W.P(MD)No.937 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition(MD)No.937 of 2024

P.Markandan

... Petitioner

-Vs-

1.The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation (TANGEDCO),
Office of the Superintending Engineer,
Ramanathapuram District.

2.The Assistant Engineer,
Tamil Nadu Generation and Distribution
Corporation (TANGEDCO),
Sayalkudi,
Ramanathapuram District.

3.Swaminathan
Secretary,
Somadudaram School,
Sayalkudi,
Kadaladi Taluk,
Ramanathapuram District.

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondents 1 and 2 to restore electricity service connection to service connection No.05-354-012-064 within the time stipulated by this Court.



W.P(MD)No.937 of 2024

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For Petitioner : Mr.S.Malaikani
For Respondents : Mr.S.Deenadhayalan
Standing Counsel for R1 and R2

ORDER

This writ petition is filed seeking for issuance of a Writ of Mandamus directing the respondents 1 and 2 to restore electricity service connection to service connection No.05-354-012-064 within the time stipulated by this Court.

2. Mr.S.Deenadhayalan learned Standing Counsel takes notice for the respondents 1 and 2. Considering the nature of the order proposed to be passed, protecting the interest of the third respondent also, notice to the third respondent is dispensed with. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that in the year 1997, the third respondent sold the property measuring an extent of 128 square feet, which



W.P(MD)No.937 of 2024

is subject matter property, to the petitioner under an unregistered sale deed.

Since a case is pending before the Revenue Divisional Officer regarding subject matter property, the sale has not been registered. With the consent of the third respondent, the petitioner's name was included as joint pattadar.

In the year 2013, the respondents 1 and 2 provided electricity service connection to the subject matter property. While so, the third respondent

filed an application before the Revenue Divisional Officer, Paramakudi to remove the petitioner's name from the village account in respect of subject

matter survey number. By order dated 02.08.2021, the Revenue Divisional Officer removed his name from the village account in Patta No.1453.

Challenging the same, the petitioner has filed an appeal before the District Revenue Officer, Ramanathapuram and the same is pending. While so, the

third respondent has approached the second respondent to cancel the aforesaid electricity service connection by making representation dated

21.07.2022. Based on the said representation, the third respondent has also filed a writ petition in W.P(MD)No.19815 of 2022. This Court, by order

dated 25.07.2023, disposed of the said writ petition directing the respondent board to take a decision based on the order of the Revenue Divisional

Officer and Executive Officer of the Panchayat, after providing necessary



W.P(MD)No.937 of 2024

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opportunity to the petitioner also. Based on the said order, the second respondent issued notice and the petitioner has also appeared before the second respondent and explained his case. The petitioner has also stated the second respondent that an appeal against the order of the Revenue Divisional Officer, Paramakudi is pending before the District Revenue Officer, Ramanathapuram. Despite the same, the second respondent disconnected the electricity service connection. Hence, the petitioner has preferred a representation dated 26.12.2023 to the first respondent. Since the appeal is pending and his right over the property will be decided only by the competent civil Court, he requested the first respondent to take appropriate action to restore the electricity service connection. Since the said service connection is not restored till date, he has filed the present writ petition.

4. The learned counsel for the petitioner would submit that the petitioner is residing in the subject matter property for the past 27 years and since there are school going children and women, electricity service connection is very necessary to them. He would further submit that from the year 2013, the petitioner has paid property tax for the said property.



W.P(MD)No.937 of 2024

Hence, the learned counsel prays for restoration of the electricity service connection to the petitioner's residence.

5. The learned Standing Counsel appearing for the respondents 1 and 2 would submit that when the case of the third respondent has been considered, the electricity service connection has been disconnected by the authorities based on the order of the Revenue Divisional Officer.

6. It is seen that the electricity service connection has been disconnected based on the order of the Revenue Divisional Officer, Paramakudi. As against which, the petitioner has preferred an appeal before the District Revenue Officer, Ramanathapuram and the same is pending. This Court is of the view that the issue on hand regarding title has to be decided only by a competent civil Court and the same cannot be decided by the revenue authorities. Pending the proceedings, it cannot be possible to disconnect the electricity service connection and hence, it has to be restored.

7. Therefore, this Court, without expressing any opinion on the merits of the matter, directs the first respondent to consider the petitioner's



W.P(MD)No.937 of 2024

representation dated 26.12.2023 and restore the electricity service connection to the petitioner's house within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that the issue on hand regarding title has to be decided only before a competent civil Court.

8. With the above direction, the writ Petition stands disposed of. No costs.

18.01.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes
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To

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Ramanathapuram District.

2.The Assistant Engineer,
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W.P(MD)No.937 of 2024

V.BHAVANI SUBBAROYAN, J.

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Writ Petition(MD)No.937 of 2024

18.01.2024