



WP(MD). No.22432 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 23/09/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.22432 of 2024
and WMP(MD) No.19006 of 2024

Y.Susiladevi

... Petitioner

Vs

1. The Superintending Engineer,
Tangedco,
Tirunelveli Electricity Distribution Circle,
Maharaja Nagar,
Tirunelveli District..

2. The Executive Engineer (Distribution),
Tangedco,
Tamil Nadu Electricity Board,
Valliyoor,
Tirunelveli District..

3. The Assistant Engineer (Distribution),
Tangedco,
Tamil Nadu Electricity Board,
Valliyoor,
Tirunelveli District..

4. The Junior Engineer (Distribution),
Tangedco, Tamil Nadu Electricity Board,
Panakudi,
Tirunelveli District..



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5. A.Vijaya,
W/o.Appavu,
Sf.No. 2213/2c, Near
Railway Gate,
Leppai Kudiiruppu,
Perungudi,
Radhapuram Taluk,
Tirunelveli District..

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the respondents 1 to 4 from disconnecting the petitioners agricultural electricity service connection bearing service no. 068-017-200 provided in the petitioners land in Survey No. 2213/2C, situated in Kavalkinaru Panchayat, Perungudi Part II Village, Panakkudi, Tirunelveli District and to restore the records in respect of the agricultural electricity service connection bearing service no. 068-017-200 in the name of the petitioner.

For Petitioner : Mr.P. Rajesh,
For Respondents : Mr.S.Deenadayalan

ORDER

By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.



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2. The writ petition has been filed for a mandamus to forbear the respondents 1 to 4 from disconnecting the petitioner's agricultural electricity service connection bearing service no. 068-017-200 provided in the petitioners land in Survey No. 2213/2C, situated in Kavalkinaru Panchayat, Perungudi Part II Village, Panakkudi, Tirunelveli District and to restore the records in respect of the agricultural electricity service connection bearing service no. 068-017-200 in the name of the petitioner.

3. It is the case of the petitioner that the subject property originally belong to the petitioner's mother and the said property has been settled in favour of the petitioner in the year 2012. However, the 5th respondent, claiming to be the purchaser from the predecessor in title on the basis of the power of attorney, has given an objection to disconnect the electricity service connection already obtained by the petitioner in the year 2020 itself.

4. The learned counsel for the respondents, on instructions, would submit that complaint has been given by the 5th respondent claiming to be the title holder of the property. According to him, the 5th respondent has



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purchased the property in the year 2016 from predecessor in title. In fact, she has purchased the property from the vendor of the petitioner's father. Hence, a show cause notice has been issued on the basis of the complaint of the 5th respondent.

5. I have considered the rival submissions and perused the materials available on record.

6. This Court is of the view that it is not disputed by the respondents that the petitioner has already obtained electricity service connection in the year 2020 itself based on the title deeds. The petitioner's document has been executed in the year 2012, whereas the 5th respondent claiming title on the basis of the subsequent deed of the year 2016. Be that as it may, whether the petitioner has got perfect title or the 5th respondent has got perfect title are all matter of evidence and it is for the civil Court to decide the same and the same cannot be gone into by the authorities. As the petitioner is in possession on the basis of the settlement deed, he has already obtained the service connection, if at all the 5th respondent has claimed any right over the property, it is for her to



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establish her title in the manner known to law.

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7. In such view of the matter, as the title issue cannot be gone into by the authorities, the parties are at liberty to approach the civil Court to establish their right.

8. The writ petition is disposed of with the above direction. It is made clear that on the basis of the name change during the pendency of the writ petition, there shall not be any disconnection. No costs. Consequently connected Miscellaneous Petition is closed.

23.09.2024

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N.SATHISH KUMAR,J

RR

**ORDER
IN
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Date : 23/09/2024