



W.P.No.38854 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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and W.M.P.No.42075 of 2024

1. Natarajan Samudiyappan
2. Ponnappan
3. Krishna Chinnaiyan
4. Lakshmidevi
5. Ammu Madheshwaran
6. Mahalakshmi
7. Manju
8. Periyasamy Govindan
9. Jayalakshmi Ramamoorthy
10. Venkatesan Pachappan

.. Petitioner

Versus

1. The Superintendent Engineer,
TANGEDCO,
Krishnagiri District.
2. The Assistant Engineer,
TANGEDCO,
Krishnagiri District.



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3. Sasirekha

4. Rajadurai

5. Manjunath

6. Kalaivani

7. Ansalam Richard

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Mandamus forbearing the respondent Nos.1 and 2 from disconnecting the electricity service provided to the petitioners' property situated at Survey Nos.45/8 (Old No.45/1) and 45/4, Kurubarapalli village, Krishnagiri district and interfering with the petitioners' peaceful possession and enjoyment of the property.

For Petitioner : Mr.Sivakumar Rajappan,
for M/s.Law Shine LLP

For Respondents : Mr.S.Madhusudanan,
Standing Counsel for TNEB,
for RR-1 and 2

: Mr.T.Elumalai, for RR-3 to 7

ORDER

This Writ Petition is filed for a Mandamus forbearing the respondent

Nos.1 and 2 from disconnecting the electricity service provided to the



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petitioners' property situated at S.No.45/8 (old No.45/1) and 45/4, Kurubarapalli village, Krishnagiri district and interfering with the petitioners' peaceful possession and enjoyment of the property.

2. The contention of the petitioners is that the petitioners got title in respect of the said properties. They applied for electricity connection. Now, the private respondents in the Writ Petition are disputing the title. Therefore, they have sent a complaint to the respondent Nos.1 and 2, upon which, the impugned orders are passed.

3. It is the contention of the learned Counsel for the petitioners that the respondent Nos.1 and 2 have no jurisdiction to go into the title of the properties and once the petitioners are in possession of the properties, they are entitled for electricity connection. Even if the petitioners are held to be trespassers, they have to be evicted in the manner known to law and the respondent Nos.3 to 7 cannot indulge in the short cut of approaching the



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respondent Nos.1 and 2.

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4. The learned Counsel for the respondent board would submit that the respondent Nos.1 and 2 have to *prima facie* verify that the petitioners are lawful occupiers or owners of the premises. In that regard, when a complaint was received, only a notice was issued to them and no order was passed.

5. The learned Counsel for the party respondents would submit that the petitioners got absolutely no title in respect of the said properties. Even in the Writ Petition, they pleaded that they purchased these lands by way of an unregistered sale deeds. There is no title dispute in the matter. It is only the private respondents who are the title owners of the properties and they never allowed or put the petitioners in possession of the properties. They cannot be called as lawful occupiers.



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6. I have considered the rival submissions made on either side and perused the material records of the case.

7. On a perusal of the impugned notices, dated 27.08.2024 and 07.09.2024, it can be seen that the second respondent merely directed the petitioners to produce such proof in proof of their lawful occupancy within a period of 30 days. It is only in the nature of a show-cause. Therefore, the petitioners can very well produce the documents and also take such a plea as may be permissible under law before the second respondent and the respondent Nos.1 and 2 duly consider all the objections raised by the petitioners while passing the order.

8. The Writ Petition filed by the petitioners, at this stage, is not entertainable and giving such liberty to produce all the documents and also their explanation within 15 days from today and the respondent Nos.1 and 2 to consider the same by giving opportunity to the petitioners as well as the



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party respondents, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

07.02.2025

Neutral Citation : no
grs

To

1. The Superintendent Engineer,
TANGEDCO,
Krishnagiri District.
2. The Assistant Engineer,
TANGEDCO,
Krishnagiri District.



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D.BHARATHA CHAKRAVARTHY, J.

grs

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