



W.P.(MD)No.29556 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.11.2025

CORAM:

THE HON'BLE MS.JUSTICE P.T.ASHA

**W.P.(MD).No.29556 of 2025**

**and**

**W.M.P(MD)No.23139 of 2025**

Muthu Ramalingam

... Petitioner

Vs.

1. The Assistant Electrical Engineer,  
TANGEDCO-Kallal Division,  
Karaikudi Taluk,  
Sivagangai District.

2. Murugan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the 1<sup>st</sup> respondent in Ka.No.00.Mi.Po/Pa/Kallal/Ko.Kattu/Aa.No.174/2025 dated 23.09.2025 and quash the same and further directing the 1<sup>st</sup> respondent to restore the electricity connection in EC.No.054080061231.



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For Petitioner : Mr.R.Balakrishnan  
For R1 : Mr.S.Deenadhayan  
Standing Counsel  
For R2 : Mr.T.Veerakumar

### **ORDER**

The petitioner seeks to challenge the order passed by the 1<sup>st</sup> respondent in Ka.No.00.Mi.Po/Pa/Kallal/Ko.Kattu/Aa.No.174/2025 dated 23.09.2025 and consequently, direct the 1<sup>st</sup> respondent to restore the electricity service connection in EC.No.054080061231.

2. The petitioner's contention is that the property in S.No.131/2, Malaikondan Village Karaikudi Taluk, Sivagangai District originally belonged to one Chelliya and Periyannan and joint patta was issued in their name. Subsequently, the property in S.No.131/2 was subdivided as Sy.Nos.131/2A and 131/2B. In respect of the property in Sy.No.131/2B, patta was transferred in the name of Periyannan to an extent of 1.47.5 Hectares. Likewise, the property in Sy.No.131/6 was also subdivided as



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Sy.Nos.131/6A, 131/6B and on 19.07.2002, patta was issued in the name of the Periyannan with respect to Sy.No.131/6B to an extent of 0.17.5 Hectares.

3. It is the case of the petitioner that he had produced the afore mentioned property under a registered Sale Deed dated 28.08.2022 from Periyannan and his legal heirs. Thereafter, claiming that the aforesaid property belonged to them, one Thangaraj and 5 others, had filed a suit in O.S.No.59 of 2011 on the file of the Additional District Munsif, Karaikudi seeking a relief of declaration and permanent injunction and the same was dismissed on 26.02.2021.

4. The 2<sup>nd</sup> respondent and his father Irulappan and others attempted to create problem in the petitioner's property and filed a comprehensive suit in O.S.No.29 of 2022, on the file of the District Munsif, Karaikudi for the relief of declaration of title and the said suit is pending. Meanwhile, the petitioner had applied for electricity service connection to the 1<sup>st</sup> respondent and the same was also provided.



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5. It appears that the 2<sup>nd</sup> respondent had made a representation to the 1<sup>st</sup> respondent alleging that the petitioner had obtained an electricity service connection on the basis of the forged house tax receipt. The 1<sup>st</sup> respondent had issued a show cause notice to the petitioner on 15.09.2025, calling for an explanation with pre-determined conclusion that the petitioner obtained electricity service connection by furnishing the forged house tax receipt. An explanation was also given to the said notice on 19.09.2025, however, without considering the explanation, the impugned order has been passed and on the basis of this order, the 1<sup>st</sup> respondent has disconnected the domestic service connection. Therefore, the petitioner is before this Court.

6. Notice was issued to the 2<sup>nd</sup> respondent and he had been represented by counsel. The respondents have not filed their counter but have made their oral submissions.

7. The contention of the petitioner is that he is in possession of the said property and after granting him the connection on the basis of a representation given by the petitioner to the 1<sup>st</sup> respondent, the Block



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Development Officer, Kallal who has no authority to cancel the property tax has sent a communication directing the 1<sup>st</sup> respondent to disconnect the electricity service connection stating that in the property belonging to the 2<sup>nd</sup> respondent, electricity service connection was wrongly given to the petitioner. Therefore, on the recommendations of the Deputy Block Development Officer, on the basis of the report of the Block Development Officer Zone-III, the electricity service connection was directed to be disconnected and the compliance reported to the Block Development Officer. On the basis of this letter, the electricity service connection has been disconnected.

8. The petitioner would submit that no notice of this representation has been issued to him and neither has an explanation been called for on the ground that the property tax receipt has been fraudulently assessed in the name of the petitioner. Therefore, he would submit that the impugned order which once again has been passed without notice to the petitioner has to be necessarily set aside.



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9. The petitioner would further submit that he has produced property tax standing from the year 2011-2012 onwards as also the patta electricity consumption charges etc.

10. The learned counsel appearing on behalf of the 2<sup>nd</sup> respondent would submit that the property originally belongs to the 2<sup>nd</sup> respondent and the petitioner is only a trespasser.

11. He would further submit that the suit filed by the petitioner is decided and therefore, the impugned order dated 23.09.2025 cannot be set aside.

12. The learned Standing Counsel appearing on behalf of the 1<sup>st</sup> respondent would admit that the disconnection has been effected only on the basis of the letter received from the Block Development Officer.

13. Heard the learned counsel on either side.



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14. The records would show that one Thangaraj and 5 others had filed a suit in O.S.No.59 of 2011, on the file of the Additional District Munsif, Karaikudi against eight persons including the petitioner and the 2<sup>nd</sup> respondent.

15. The suit was filed for declaring the title of the plaintiffs therein to the suit property and for an injunction restraining the defendants from interfering with the possession and enjoyment of the property.

16. The property in question covered under patta no.117 was in respect of an extent of 0.46 cents in S.No.131/6, 1 acre 39 cents in S.No. 137/7. The allegations were that the petitioner and the 2<sup>nd</sup> respondent manipulated the records to claim ownership over the land in S.No.131/6. The 2<sup>nd</sup> respondent herein had not filed a written statement in the said suit and it was only the petitioner herein had filed a detailed written statement.



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17. In the said suit, the 6<sup>th</sup> respondent had filed a written statement stating that he is in possession of the property in question by putting up a small asbestos roof and that various trees have been planted in the premises in question.

18. The suit for declaration was dismissed on the ground that the plaintiff therein were not able to prove their title and the prayer for injunction was also rejected. It is also seen that the petitioner was initially granted electricity service connection which connection has been now disconnected only on the basis of a communication dated 22.09.2025 issued by the Block Development Officer to the 1<sup>st</sup> respondent.

19. In the said letter it is stated that a complaint had been received from the 2<sup>nd</sup> respondent on 15.09.2025 stating that the electricity service connection has been wrongly given to the plaintiff in respect of house put up by the 2<sup>nd</sup> respondent and therefore, recommending the disconnection of the service connection.



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20. The communication does not indicate that any explanation has been called for from the petitioner. Regarding the representation made by the 2<sup>nd</sup> respondent without giving an opportunity to the petitioner to submit his objections to the complaint within a week of the receipt of the complaint, the Block Development Officer has issued his letter and on the basis of this letter, once again without notice to the petitioner, the electricity service connection has been disconnected.

21. Even in the suit in O.S.No.59 of 2011, the petitioner has stated that he is in possession of the property in question and put up a house with asbestos roof. The second respondent has not filed any written statement in the aforementioned suit.

22. Be that as it may, the order passed by the Block Development Officer does not cancel the property tax issued in the name of the petitioner but only states that the 2<sup>nd</sup> respondent has made a complaint that the property tax has been wrongly issued in the name of the petitioner. Therefore, the impugned order is set aside. Further, the impugned order



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has been passed without issuing notice to the petitioner. Therefore, also the impugned order dated 23.09.2025 is set aside.

23. Accordingly, the writ petition stands allowed. The 1<sup>st</sup> respondent is directed to issue notice to the petitioner and the 2<sup>nd</sup> respondent and hear them and thereafter, pass orders after taking into consideration the documents submitted by the petitioner and the respondents. The said exercise shall be completed within a period of three (3) weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

**18.11.2025**

NCC :yes/No  
Index :yes/No  
Internet:yes/No  
rgm



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To

The Assistant Electrical Engineer,  
TANGEDCO-Kallal Division,  
Karaikudi Taluk,  
Sivagangai District.



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**P.T.ASHA, J.**

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