



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-04-2026

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THE HON'BLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 25231 of 2022

AND

WMP NO. 24182 OF 2022

K.Kakkan

S/o. Late. Kuppusamy, Dhasarpuram, Keezhaiyur,
Thirukovilur Taluk, Kallakurichi District.

..Petitioner(s)

Vs

1. The Chairman
Tamil Nadu Electricity Board, Mount Road,
Chennai
2. the Junior Engineer
Tamil Nadu Electricity Board, Thirukovilur ,
Kallakurichi District
3. Mrs. Hamsa Velmurugan
D/o. Late. Kuppusamy, No. 47/4H, Ammapettai
Village, Chengalpattu District
4. Mrs. Karpagam Natesan
D/o. Late. Kuppusamy, No. 179 Thirukovilur
Road, Vettavalam, Keezhpennathur Taluk,
Thiruvannamalai District.

..Respondent(s)

Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of writ of Certiorari to quash the impugned order of the 2nd Respondent in notice Ref. Ka.No. me. E.Po/ E and P/ Nagaram -1 / Thiruk/ Va.Aa/ Ko.Manu/ A.No. 92/ 2022 dated 26.08.2022 with costs

For Petitioner(s):

Mr.L.Rajendran

For Respondent(s):

Ms.Daniel Mary, Standing Counsel for R1 and R2
No appearance for R3 and R4



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Order

This writ petition has been filed challenging the impugned notice of the 2nd respondent, wherein the petitioner was directed to produce documents proving his title over the subject property and also to obtain No Objection from other legal heirs to prevent disconnection of his electricity connection.

2. Case of the petitioner is that his father Kuppusamy married one Krishnambal and out of their wedlock, two sons and four daughters were born. After the death of the said Krishnambal, the petitioner's father married one Muniyammal, through whom eight sons were born. The petitioner is one of the children born through the second wedlock. During the year 1990, the petitioner's father had orally partitioned the properties among his legal heirs and in the said partition, the property bearing S.F.NO.54/2, to an extent of 0.12.50 hectare was allotted to the petitioner's family. Subsequently patta was also issued in respect of the subject property. While so, during the year 2020, the respondents 3 and 4 along with 3 others, has given representation to the Revenue Divisional Officer, Thirukovilur, Kallakurichi District, to cancel the patta. The RDO without conducting any enquiry, had cancelled the patta. Against which, the petitioner has preferred an appeal and it is pending.



3. When the matter stood thus, other legal heirs have filed a suit, in O.S.No.630 of 2021 before the II-Additional Sub Court seeking partition and the same is pending. Thereafter, the respondents 3 and 4 had given representation to the 2nd respondent to disconnect the electricity connection. Based on the complaint, the 2nd respondent issued the impugned notice, directing the petitioner to produce the document proving his title. Challenging the impugned notice, the petitioner has preferred this writ petition.

4. The learned counsel for the petitioner submitted that the petitioner and his brothers are in possession of the property based on the oral partition from 1990 onwards and patta has also been issued in their favour. It is further submitted that when the title dispute is pending before the Civil Court, the 2nd respondent ought not to have issued the impugned notice, and therefore, the same is liable to be quashed.

5. The learned standing Counsel appearing for the respondents 1 and 2 submitted that the impugned notice has been issued based on the complaint given by respondents 3 and 4 and the same is only a preliminary notice calling upon the petitioner to produce relevant documents.

6. Heard both sides and also perused the materials available on record.



7. It appears that the dispute between the parties is purely a civil dispute relating to title over the property, which is already the subject matter of a pending civil suit in O.S.No.630 of 2021, renumbered as O.S.No.523 of 2023 before the Sub Court, Thirukovilur.. When such being the position, the official respondents cannot adjudicate upon the title to the property. It is also seen that the electricity service connection already stands in the name of the petitioner and he is in enjoyment of the same. Therefore, the same cannot be interfered with by the respondents, pending adjudication of the title dispute before the competent Civil Court.

8. In view of the above, the impugned notice issued by the 2nd respondent cannot be sustained and the same is set aside. However, liberty is granted to the parties to work out their remedies before the competent Civil Court in O.S.No.630 of 2021, renumbered as O.S.No.523 of 2023 before the Sub Court, Thirukovilur and the electricity service connection granted in favour of the petitioner shall not be disturbed till the disposal of the pending Suit.

9. This Writ Petition is disposed of with the above observations. No costs. Consequently connected miscellaneous petition is closed.

24-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No



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To

1. The Chairman

Tamil Nadu Electricity Board, Mount Road, Chennai

2. the Junior Engineer

Tamil Nadu Electricity Board, Thirukovilur , Kallakurichi District

WP No. 25231 of 2





WEB COPY

WP No. 25231 of 2



KRISHNAN RAMASAMY J.

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