

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 08.04.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.10155 of 2015

Bhakthavatchalam

.. Petitioner

Versus

1. The Assistant Engineer, [O & M]
TANGEDCO,
Guduvampoondi Village,
Gingee Taluk.

2. Ramadoss .. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of certiorari, calling for the records of the 1st respondent in க.எண்.இ.நிலைஇ டீ புக.ப
புண்டி கோ.தனி.அ எண்.77 2015 dated 27.03.2015 and quash the same.

For Petitioner : Mr.N.Suresh

For Respondents : Mr.M.Varun Kumar (for R1)
Standing Counsel, TANGEDCO

O R D E R

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner claims that he is the owner of the property bearing old door No.15, new door No.15A, Mettu Street, Vadavetti Village, Gingee Taluk and he was provided with electricity connection by TANGEDCO in SC.No.489-012-51 and using the service connection. The petitioner would state that the second respondent is his brother and he has given a petition to the first respondent for disconnecting the electricity supply given to him and the first respondent without putting him on notice, issued a notice dated 27.03.2015 stating that since the petitioner has failed to produce any document as to the ownership, his service connection would be disconnected on or before 26.04.2015 and challenging the legality of the same, the present writ petition is filed.

3. The learned counsel appearing for the petitioner would state that without putting the petitioner on notice, the service

connection enjoyed by him for long time, is sought to be disconnected and prays for setting aside the impugned order.

4. Heard the submissions of Mr.N.Suresh, learned counsel appearing for the petitioner and Mr.M.Varunkumar, learned standing counsel, who accepts notice for the 1st respondent.

5. Perusal of the impugned proceedings discloses that on the Grievance Day, the second respondent seems to have given a letter and based on it, the first respondent has passed an order, ordering disconnection. In the impugned proceedings, there is no reference as to the notice given to the petitioner calling upon his explanation and without doing so, the impugned order passed on the face of it, is unsustainable, as it violates the principles of natural justice.

6. In the result, the writ petition is allowed and the impugned order dated 27.03.2015 is set aside and the first respondent is directed to furnish a copy of the petition/representation submitted by the second respondent and after putting the petitioner as well as the second respondent on notice, shall consider the claim and pass orders on merits and in accordance with law, within a period of six weeks thereafter and till then, restraint from the electricity supply given to the petitioner. No Costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ars/gya

To

The Assistant Engineer, [O & M]
TANGEDCO, Guduvampoondi Village,
Gingee Taluk.

1 cc to Mr.M.Varun Kumar ,Advocate, SR.No.19551
1 cc to Mr.N.Suresh ,Advocate, SR.No.19449

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vsn(co)
pmk.17.4.2015