

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 18.06.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.17277 of 2015

and

M.P.No.1 of 2015

K.Anaimalaichamy

.. Petitioner

Versus

- 1 The Assistant Engineer
TNEB O&M Mathur Chennai.
- 2 The Superintending Engineer
CEDC North TNEB No.144 Anna Salai
Chennai-600 002.
- 3 The Inspector General
of Police (Vigilance) Tamilnadu Electricity
Board No.144 Anna Salai Chennai-600 002.
- 4 Chokkammal
W/o.Kesavan No.86/1 Poondi Gramam Post
Walajpet Taluk Vellore District.
- 5 Kesavan
S/o.Mottiyan No.86/1 Poondi Gramam Post
Walajpet Taluk Vellore District. .. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, Directing the 2nd respondent to consider the petitioners representation dt. 5.6.2015 and consequentially disconnect the power connection in the name of the respondents 4 & 5 and given to the petitioners property being vacant land admeasuring 2400 sq.ft. and contained in Grama Natham S.No.107/1 and within Thiruvottriyur Sub Registration District North Madras Registration District and in Perumal Koil Street Periya Mathur Village and within the limits of Puzhal Panchayat Union and comprised in Madhavaram Taluk and Tiruvallur District.

For Petitioner : Dr.G. Krishnamoorthy
for Mr.A.Thirumaran

For Respondents : Mr.P.R.Dhilipkumar
Standing counsel for TNEB

O R D E R

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

2. The petitioner and his wife claim that they are the present owners of the property, being a vacant land admeasuring to an extent of 2400 sq.ft., situated in Grama Natham S.No.170/1 at Perumal Koil Street, Periya Mathur Village, within the limits of Puzhal Panchayat Union and it was purchased by means of a registered sale deed bearing Document No.965/10, registered on the file of the Sub Registrar, Thiruvottriyur. The petitioner would further claim that ever since the purchase he and his wife are in absolute possession and enjoyment of the property.

3. The petitioner would further state that on 14.05.2015, he received information that some unknown persons had come to their property with materials in order to put a thatched shed in their lands and thereby making an attempt to grab the property. The petitioner immediately rushed to the spot and informed the respondents 4 and 5, who were present stating that the property belongs to him and his wife, absolutely. However, they are not prepared to listen and immediately, the petitioner approached the Inspector of Police, M-1, Madhavaram Milk Colony Police Station and lodged a complaint and he was issued with a Community Service Register Receipt bearing No.212/15 dated 14.05.2015. The petitioner later on came to know that they are the encroacher / land grabber and had made attempts to secure electricity service connection and immediately, submitted a representation to the 1st respondent pointing out the illegality and requested him not to provide electricity service connection vide representation dated 09.06.2015 and in response to the same, the 1st respondent sent a communication dated 10.06.2015 directing the petitioner to produce necessary documents and it was also submitted immediately on 12.06.2015.

4. The grievance expressed by the petitioner is that in spite of such a serious objection, the 1st respondent for the best reasons known to him and for obvious reasons has given electricity service connection and therefore, the petitioner is constrained to approach this Court.

5. Heard the submissions of Dr.G.Krishnamoorthy, learned counsel appearing for the petitioner and Mr.P.R.Dhilipkumar, learned standing counsel, who accepts notice for the respondents.

6. This Court, taking into consideration the limited scope of the prayer sought for by the petitioner and without going into the merits of the claim projected by the petitioner, permits the petitioner to submit one more representation to the 2nd respondent by enclosing a copy of his earlier representation as well the response from the 1st respondent with a copy of this order, within a period of two weeks from the date of receipt of a copy of this

order and on receipt of the same, the 2nd respondent is directed to consider the representation, in accordance with law, after putting on notice the respondents 4 and 5 and pass orders within a further period of four weeks, thereafter, and inform the decision taken, to the petitioner as well as to the respondents 4 and 5.

7. The writ petition is disposed of, accordingly. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

- 1 The Assistant Engineer
TNEB O&M Mathur Chennai.
- 2 The Superintending Engineer
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Chennai-600 002.
- 3 The Inspector General
of Police (Vigilance) Tamilnadu Electricity
Board No.144 Anna Salai Chennai-600 002.

+1 cc to Mr.A.Thirumaran, Advocate,SR.29979

+1 cc to Mr.P.R.Dhilipkumar, Advocate,SR.29801.

Kgk(co)
krd 29/6

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