

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 20.07.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.21347 of 2015

and

M.P.No.1 of 2015

D.Balasundaram

... Petitioner

Versus

1. The Chairman
Tamil Nadu Electricity Board
Chennai-600 002.
2. The Assistant Engineer
CEDC/South Tamil Nadu Electricity Board
Porur II Chennai-600 116.
3. The Divisional Engineer
CEDC/South Tamil Nadu Electricity Board
Porur II Chennai-600 116.
4. D.Chittibabu ... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing the 1st 2nd and 3rd respondents to disconnect the temporary electricity connection with EB No: 263.002.700 already granted in favour of the 4th respondent to the Survey No.325/1 Porur Village Porur Chennai-600 116.

For Petitioner : Mr.N.Doraikannan

For Respondents : Mr.P.Gunaraj (For R1 to R3)
Standing counsel
No appearance (for R4)

O R D E R

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

2. This Court on an earlier occasion, has passed the order dated 15.04.2015 in W.P.No.10820 of 2015, filed by the 4th

respondent and it is relevant to extract paragraph No.6 of the said order.

"6. In the result, the writ petition is disposed of and the petitioner is at liberty to submit a fresh representation to the first respondent bringing to his knowledge about the dismissal of O.S.No.402 of 2005 for default on 11.10.2014, within a period of two weeks from the date of receipt of a copy of this order and the first respondent on receipt of the same is directed to consider the same and pass appropriate orders, on merits and in accordance with law, after putting the third respondent on notice, as expeditiously as possible, preferably, not later than four weeks from the date of receipt of the representation to be submitted by the petitioner. There is no order as to costs."

3. The 2nd respondent, has issued a notice dated 20.06.2015 to the petitioner informing him that with regard to the grant of electricity service connection to the 4th respondent, the legal department of the TANGEDCO has been addressed. The petitioner in response to the said communication has submitted his objection dated 23.06.2015 stating among other things that except him no body is having any such right and strenuously objected to the grant of electricity service connection in favour of the 4th respondent.

4. The learned counsel appearing for the petitioner has drawn the attention of this Court to the typed set as well as additional typed set of documents and would submit that since the petitioner is the lawful owner of the property and is in possession and enjoyment of the same, his brother viz., 4th respondent is not entitled to get service connection.

5. Per contra, the learned standing counsel appearing for respondents 1 to 3, would submit that the objection raised by the petitioner, will be considered in a proper perspective and appropriate orders will be passed.

6. This Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner in this writ petition, directs the 3rd respondent to consider the petitioner's objection dated 23.06.2015, in response to the notice of the 2nd respondent dated 20.06.2015, and after putting the 4th respondent viz., D.Chittibabu, on notice, shall pass appropriate orders, in accordance with law, within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the 4th respondent.

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

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman
Tamil Nadu Electricity Board
Chennai-600 002.
2. The Assistant Engineer
CEDC/South Tamil Nadu Electricity Board
Porur II Chennai-600 116.
3. The Divisional Engineer
CEDC/South Tamil Nadu Electricity Board
Porur II Chennai-600 116.

+1cc to Mr.N.Doraikannan, Advocate, S.R.No.36644
+1cc to Mr.P.Gunaraj, Advocate, S.R.No.36697

W.P.No.21347 of 2015

GJ(CO)
CA(05/08/2015)

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