

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2015

CORAM :

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

W.P.No.27434 of 2015

and

M.P.Nos.1 & 2 of 2015

R.Shanmugam

... Petitioner

Vs.

- 1.The Tamilnadu Electricity Ombudsman,
19-A, Rukmani Lakshmipathi Road,
TIDCO Complx, Egmore,
Chennai - 600 008.
- 2.The Chairman,
Consumer Grievance Redressal Forum,
CEDC/Central, TANGEDCO,
110 KV, Valluvar Kottam,
Chennai - 600 034.
- 3.The Executive Engineer/O&M
Tamilnadu Generation of Electricity &
Distribution Company Ltd.,
(TANGEDCO), Egmore Division,
Chennai - 600 012.
- 4.The Asst. Executive Engineer/O&M
Tamilnadu Generation of Electricity &
Distribution Company Ltd.,
(TANGEDCO), Pulianthope,
Chennai - 600 012.
- 5.The Asst. Engineer/O&M,
Tamilnadu Generation of Electricity &
Distribution Company Ltd.,
(TANGEDCO), Choolai, Chennai - 600 012.

6.Mr.R.Kumaran

... Respondents

Prayer :- Writ petition filed under Article 226 of the constitution of India praying for a writ of certiorari calling for the records pertaining to the orders in Petition No.02 of 2015 dated 28th day of April 2015 (signed on 03.06.2015) on the file of the second respondent and the consequential appeal petition in Letter No.Ta.Na.Mi.Gu/Ko.Petition No.53/2015/A.No.881/2015 dated 08.07.2015 on the file of the first respondent to quash the same.

For Petitioner : Mr.R.Selvakumar
For Respondents : Mr.P.R.Dhilip Kumar
for R2 to R5

O R D E R

The petitioner is one of the co-owners of the property bearing Door No.42, Andiappan Street, Choolai, Chennai - 600 112. The said property originally belongs to his mother Mrs.Gunabooshanam Ammal. After her death in the year 1969, the husband of the said Gunabooshanam Ammal and the father of the petitioner got the property and he also passed away in the year 17.06.1987 leaving behind nine legal heirs including the petitioner inheriting the property after the demise of the petitioner's father.

2. The petition property is being managed by the petitioner and with the consent of all LR's, the petitioner is enjoying the property. In the said property, there are three service connections 141:22:69, 141:22:70 and 141:22:224. Out of the said three service connections, two service connections namely Nos.141:22:69 and 141:22:70 stands in the name of Mr.Champalal Jain and the third service connection namely 141:22:224 stands in the name of the petitioner. All the three service connections are for commercial purpose and the monthly charges are being paid regularly by the petitioner as well as the tenant, viz. Mr.Champalal Jain. When things stands so, for the last two months, the officials of the respondent made visit to the petitioner's premises and thereafter, the respondent received a notice from the 5th respondent to submit all the documents regarding service connection No.141:22:224 and the petitioner submitted those documents.

3. The petitioner forwarded a letter to the 3rd respondent on 20.07.2015 under Right to Information Act seeking details for any pending proceedings with regard to the above service connection. The information provided by the 3rd respondent would reveal that the 6th respondent, the petitioner's brother gave a petition to disconnect the petitioner's service connection and an enquiry was conducted

without notice to the petitioner. The petition given by the petitioner's brother was rejected on 28.04.2015 stating that the petitioner and the tenants are paying the monthly electricity charges regularly, however directed the officials to verify whether the service connection is used for commercial activity and if not, ordered for immediate disconnection of the same. Against the said order, the 6th respondent, viz. petitioner's brother preferred an appeal before the 1st respondent and the same is pending. Challenging the order passed by the 2nd respondent and the appeal pending before the 1st respondent filed by the 6th respondent, the petitioner has come before this court.

4. Heard Mr.R.Selvakumar, learned counsel appearing for the petitioner and Mr.P.R.Dhilip Kumar, learned Standing Counsel appearing for R2 to R5.

5. At this stage, there is no necessity to hear the 6th respondent as no order is going to be passed against the 6th respondent, prejudice his right. It is seen that the subject matter of the 6th respondent petition as well as the appeal are relating to petitioner's service connection. In that event, the respondents 1 and 2 should have given notice to the petitioner and have passed orders after hearing the petitioner. However, the second respondent, without hearing the petitioner, based on the petition of the 6th respondent alone, passed the order on 28.04.2015. Of course, there is not much adversity in the order. However, the appeal is pending before the first respondent. Even in the appeal, it seems the petitioner has not been made as a party. In that event, the order would be passed in the absence of the petitioner.

6. In view of the above, without setting aside the order passed by the second respondent dated 28.04.2015, this court only directs the first respondent to issue notice to the petitioner and after affording opportunity to the petitioner, decide the appeal filed by the 6th respondent.

7. The writ petition is disposed of with above direction. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

rgr

To

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Chennai - 600 012.

+1cc to Mr.R.SelvaKumar, Advocate, S.R.No.47061

+1cc to Mr.P.R.Dhilip Kumar, Advocate, S.R.No.47021

W.P.No.27434 of 2015

JP(CO)
CA(24/09/2015)

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