

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2015
CORAM

THE HON'BLE Mr. JUSTICE N.KIRUBAKARAN

Writ Petition No.33404 of 2015
and
M.P.No.1 of 2015

1. Sakthivel Chettiar
2. Ramachandra Chettiar ... Petitioners

Vs.

1. The Chairman,
Tamil Nadu Electricity Board,
Anna Salai, Chennai.
2. The Assistant Engineer (O & M)
Tamil Nadu Electricity Board,
Shoolagiri, Hosur Taluk,
Krishnagiri District.
3. The Executive Engineer, (O&M)
Tamil Nadu Electricity Board,
Royakotta Road, Hosur Taluk,
Krishnagiri District.
4. The Superintending Engineer (O & M)
Tamil Nadu Electricity Board,
Dharmapuri Town.

5. Rathanavel Chettiar. ... Respondents

Prayer:-

Writ petition has been filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 2 to 4, to include the names of the petitioners herein in the 5 H.P. Electricity Service Connection bearing E.B. S.C.No.1 in respect of the land comprised in S.No.57/2A, situate at Shoolapalli Village, Hosur Taluk, Krishnagiri District.

For Petitioners : Mr.M.V.Krishnan

For Respondents 1 to 4 : Mr.Varun Kumar

O R D E R

The petitioners have come up with the present Writ Petition for issuance of a Writ, in the nature of Mandamus, directing the respondents 2 to 4, to include their names in the Electricity Service Connection, bearing S.C.No.1 in S.No.57/2A, situate at Shoolapalli Village, Hosur Taluk, Krishnagiri District.

2. Mr.Varun Kumar, the learned counsel, takes notice on behalf of respondents 1 to 4.

3. The case of the petitioners, as given in the accompanying affidavit of the Writ Petition is that, the petitioners and the fifth respondent are sons of one Gundappa Chettiar, who owned the common land, comprised in S.No.57/2A, situated at Shoolapalli Village, Hosur Taluk, Krishnagiri District. The said common land consists of a Well and Electricity Service Connection for irrigation purpose. The said Gundappa Chettiar died on 10.07.1977. Thereafter, his sons, viz., the petitioners and the fifth respondent are enjoying the land, Well and Electricity Service Connection commonly. While so, the fifth respondent obtained electricity service connection in his favour, behind the back of the petitioners. Therefore, petitioners sent a legal notice, dated 03.07.2015, to the respondents 2 to 4, seeking cancellation of electricity service connection, bearing No.1, standing in the name of the fifth respondent and restraining him from drawing water from the borewell. Since no response is forthcoming from the respondents 2 to 4, the petitioners are before this Court by way of present Writ Petition seeking for the aforesaid relief.

4. Mr.M.V.Krishnan, learned counsel appearing for petitioners submitted that the details of the case of the petitioners has been made and incorporated in the said notice, dated 03.07.2015, regarding the cancellation of electricity service connection, bearing E.B.S.C.No.1, standing in the name of the fifth respondent. Therefore, the learned counsel submitted that the respondents 2 to 4 may be directed to include the names of the petitioners in the electricity service connection, bearing No.1.

5. Heard Mr.Varun Kumar, the learned counsel for respondents 1 to 4. Considering the nature of order that is to be passed in this Writ Petition, this Court is of the view that the fifth respondent need not be served with any notice at this stage.

6. In view of the above stated facts and circumstances and taking note of the case as set out by the petitioners in

their notice, dated 03.07.2015, this Writ Petition is disposed of by directing the third respondents to conduct an enquiry, after issuing notice to the petitioners and fifth respondent and decide the issue regarding the inclusion of the names of the petitioners in the electricity service connection within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

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To

1. The Chairman,
Tamil Nadu Electricity Board,
Anna Salai, Chennai.
2. The Assistant Engineer (O & M)
Tamil Nadu Electricity Board,
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3. The Executive Engineer, (O&M)
Tamil Nadu Electricity Board,
Royakotta Road, Hosur Taluk,
Krishnagiri District.
4. The Superintending Engineer (O & M)
Tamil Nadu Electricity Board,
Dharmapuri Town.

+1 cc to Mr.M.V.Krishnan, Advocate, sr.57376
+1 cc to Mr.M.Varunkumar, Advocate, sr.57491

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pvr co
kra 05/11/2015