

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.11.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No. 35696 of 2015
and
M.P. No. 1 of 2015

A.Arangaswamy

...Petitioner

Vs.

1. The Chairman,
Tamil Nadu Electricity Board,
Anna Salai, Chennai - 600002
2. Superintendent Engineer,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
132D, Cutchery Street,
Gobi - 638 452,
Erode District.
3. Assistant Engineer, (Supply and Distribution)
Tamil nadu Generation and
Distribution Corporation Ltd.,
Gobi Distribution Circle,
Siruvalur - 638 054.
4. Village Administrative Officer,
67-Shantipalayam,
Gobi Circle,
Gobi - 638 452.

...Respondents

This petition is filed under Article 226 of The Constitution of India praying to issue a writ of certiorari to call for records of the 3rd Respondent in his KA. No.; ASSISTANT ENGINEER/ OPERATION&DISTRIBUTOR/ CO-FORM/NO; 340/2015 DATED 14.10.2015 and quash the same.

For Petitioner : Mr.A.P.Surya Prakasam
For RR 1 to 3 : Mr.S.K.Rameshwar
For For R4 : Mr.R.Rajeshwaran,
Special Government Pleader

ORDER

Heard Mr.A.P.Surya Prakasam, the learned counsel for the petitioner and Mr.S.K.Rameshwar learned standing counsel accepting notice on behalf of the respondents 1 to 3/ Electricity Board and Mr.R.Rajeshwaran, learned Special Government Pleader appearing for the 4th respondent and with the consent of either side, the writ petition itself is taken up for final disposal at the admission stage.

2 The petitioner has filed an application for grant of electricity service connection in respect of property comprised in Survey No. 224/8C, situated at Shantipalayam Village under Siruvalur Division. The said application has been returned by the 3rd respondent based on a communication sent by the 4th respondent, stating that there are civil cases pending in respect of the property.

3 The learned counsel for the petitioner submitted that the civil proceedings has got nothing to do with the request for grant of electricity services connection and those civil proceedings initiated by the petitioner are to protect the property from the trespassers.

4 In the light of the above said submission, the proper course for the petitioner would be to approach the 3rd respondent and explain to the 3rd respondent that the civil proceedings will not have any impact on the application filed by the petitioner for grant of electricity services connection, in respect of the temple which is said to be situated in the said property. Furthermore, as pointed out by the Learned Standing Counsel for the respondent/Electricity Board, the impugned proceedings has been issued based on a communication sent by the 4th respondent. In these facts and circumstances of the case, the proper course that should have been adopted by the petitioner is to approach the 3rd respondent and explain the factual situation, without rushing to this Court to set aside the impugned order.

5 In the light of the above, while declining to grant the relief sought for by the petitioner, the petitioner is directed to treat the impugned proceedings as notice and submit a detailed representation/reply along with all relevant documents and appear in person before the 3rd respondent and explain the entire factual situation. The 3rd respondent, on receipt of such reply/explanation, shall consider the same and in consultation with the 4th respondent, take a conscious decision on merits and in accordance with law, within a period of six weeks from the date on which the petitioner submits the representation along with the relevant documents.

6 The writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

rms/AP

To

1. The Chairman,
Tamil Nadu Electricity Board,
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4. Village Administrative Officer,
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Gobi Circle,
Gobi - 638 452.

2 CCs to Mr.A.P.Surya Prakasam, Advocate SR.No. 61020, 60843

W.P.No.35696 of 2015

CA (CO)
PSI (24.11.2015)



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