

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.11.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No. 35944 of 2015
and
M.P. No. 1 of 2015

N.Balakrishnan

...Petitioner

Vs.

1. The Chairman,
Tamil Nadu Electricity Board,
No. 144, Anna Salai, Chennai - 600002

2. The Executive Engineer,
Tamil Nadu Electricity Board,
Mudichur Road, Tambaram,
Chennai.

3. Assistant Executive Engineer
Tamil Nadu Electricity Board,
Pammal, Chennai.

4. The Assistant Engineer,
Tamil nadu Electricity Board,
Chromepet, Chennai - 600 044.

5. Vandhana Srinivasan

...Respondents

This petition is filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the 4th respondent to restore the electricity connection in service connection No. 252-588-3745.

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For Petitioner : Mr.S.Jayaprakash
For RR1 to 4 : Mr.P.Gunaraj

ORDER

Heard Mr.S.Jayaprakash, learned counsel for the petitioner and Mr.P.Gunaraj learned counsel accepting notice on behalf of the respondents 1 to 4 and with the consent of either side, the writ petition itself is taken up for final disposal at the admission stage.

2. The petitioner seeks for issuance of a writ of mandamus to direct the 4th respondent to restore the electricity supply granted in respect of service connection No. 252-588-3745. The petitioner would state that, initially he was granted electricity service connection by the 4th respondent. However, the 4th respondent issued a notice on 21.09.2015 referring to a complaint given by the 5th respondent and two documents namely, copy of the order passed by the Revenue Divisional Officer and copy of the stay order granted by this Court and called upon the petitioner to produce the relevant documents pertaining to his title over the property bearing survey No.314/17. In response to the notice, the petitioner sent a representation to the 4th respondent on 10.10.2015 requesting copies of the objection letter given by the 5th respondent, copy of the letter of undertaking given by the petitioner and copy of the interim order passed by this Court, which has been referred to by the 4th respondent. This communication is said to have been sent by speed post and received by the office of the 4th respondent on 13.10.2015 as per the tracking information as furnished by the Postal Department. The petitioner would state that even without furnishing these documents, the electricity supply has been disconnected.

3. After going through the material papers placed on record, this Court is of the view that the petitioner should have been informed as to nature of complaint given by the 5th respondent and also be furnished the copy of the interim order passed by this Court referred to by the 4th respondent in his notice dated 21.09.2015.

4. In the light of the above, there will be a direction to the 4th respondent to forward the copy of the objection given by the 5th respondent and copy of the interim order passed by this Court referred by him in its notice dated 21.09.2015 within a period of one week from the date of receipt of the copy of this order and on receipt of these two documents, the petitioner shall submit an explanation and enclose all documents in support of his right, title and interest over the property in question, within the further period of one week thereafter. On receipt of the reply from the petitioner, the 4th respondent shall conduct inquiry after issuing notice to the petitioner as well as the 5th respondent and pass reasoned orders on merits and in accordance with law within a further period of one week therefrom.

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

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

rms/AP

To

1. The Chairman,
Tamil Nadu Electricity Board,
No. 144, Anna Salai, Chennai - 600002

2. The Executive Engineer,
Tamil Nadu Electricity Board,
Mudichur Road, Tambaram,
Chennai.

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3. Assistant Executive Engineer
Tamil Nadu Electricity Board
Pammal, Chennai.

4. The Assistant Engineer,
Tamil nadu Electricity Board,
Chromepet, Chennai - 600 044.

1 CC to Mr.P.Gunaraj, Advocate SR.No. 60869

1 CC to Mr.S.Jayaprakash, Advocate SR.No. 61353

W.P.No.35944 of 2015

PSI (16.11.2015)



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