

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.38975 of 2015 and

M.P.Nos.1 and 2 of 2015

P.Navaneethakrishnan

.. Petitioner

Vs.

1. The Chairman, TANGEDCO
Anna Salai, Chennai - 600 002.

2. The Assistant Engineer,
TANGEDCO,
Udumalpet Town Distribution Circle,
Udumalpet - 642 126.
Tiruppur District.

3. Pushpalatha

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the entire records of the second respondent relating to his Letter K.No.E.B/CITY/Hov/F.Const/CI D.No.272/2015-16 dated 12.11.2015, quash the same and consequently direct the second respondent to forthwith grant the Electricity connection for the newly constructed portions in Door No.31, Srinivasa Street, Udumalpet, Tiruppur District, in the Wall adjacent to the existing connection for the said building in the front portion.

For Petitioner .. Mr.P.Srinivas

For R 1 .. Mr.S.K.Raameshuwar

ORDER

Heard the learned counsel for the petitioner and Mr.S.K.Rameshwar, learned Standing Counsel, accepting notice on behalf of the 1st respondent and with their consent, the writ petition is taken up for final disposal at the admission stage itself.

2. Since the impugned order has been passed without notice to the petitioner, rejecting his application for grant of service connection, the necessity of ordering notice to the 3rd respondent, at this stage, does not arise. The petitioner applied for electricity service connection and by the impugned proceedings, it has been rejected on the ground that the suit is pending.

3. It is submitted by the learned counsel for the petitioner that the suit has been filed by the petitioner against the 3rd respondent in O.S.No.415 of 2014 on the file of the District Munsif Court, Udumalpet and the Civil Court has granted an interim order of status quo in I.A.No.1339 of 2014. It is submitted that mere reference to legal opinion without factually appreciating the placement of the meter box in the premises is improper and the impugned order has caused grave prejudice to the petitioner. Further, it is submitted that the property is having service connection in the same location for the past 40 years and only after reconstruction, the meter has to be fixed once again in the same location.

4. In the light of the above submissions, the 2nd respondent did not conduct any enquiry into the matter and solely on the ground that the suit is pending and that too, based upon the legal opinion, the impugned order has been passed. Hence, the impugned order is held to be in violation of principles of natural justice and arbitrary and therefore, calls for interference.

5. Accordingly, the Writ Petition is allowed and the impugned order is set aside and the matter is remanded back to the 2nd respondent for fresh consideration, who shall issue notice to the petitioner and the 3rd respondent and conduct an enquiry and examine the documents which have been produced and the specific plea of the petitioner that for the past 40 years the meter box has been in the same location. Furthermore, the 2nd respondent has to take note of the interim order of status quo granted by the Civil Court in which the 3rd respondent is the sole defendant. After conducting the enquiry, the 2nd respondent shall pass fresh orders on merits and in accordance with law within a period of three weeks from the date on which the enquiry is concluded. No costs. Consequently, connected Miscellaneous Petitions are closed.
Sgl

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub-Assistant Registrar

To

1. The Chairman, TANGEDCO
Anna Salai, Chennai - 600 002.

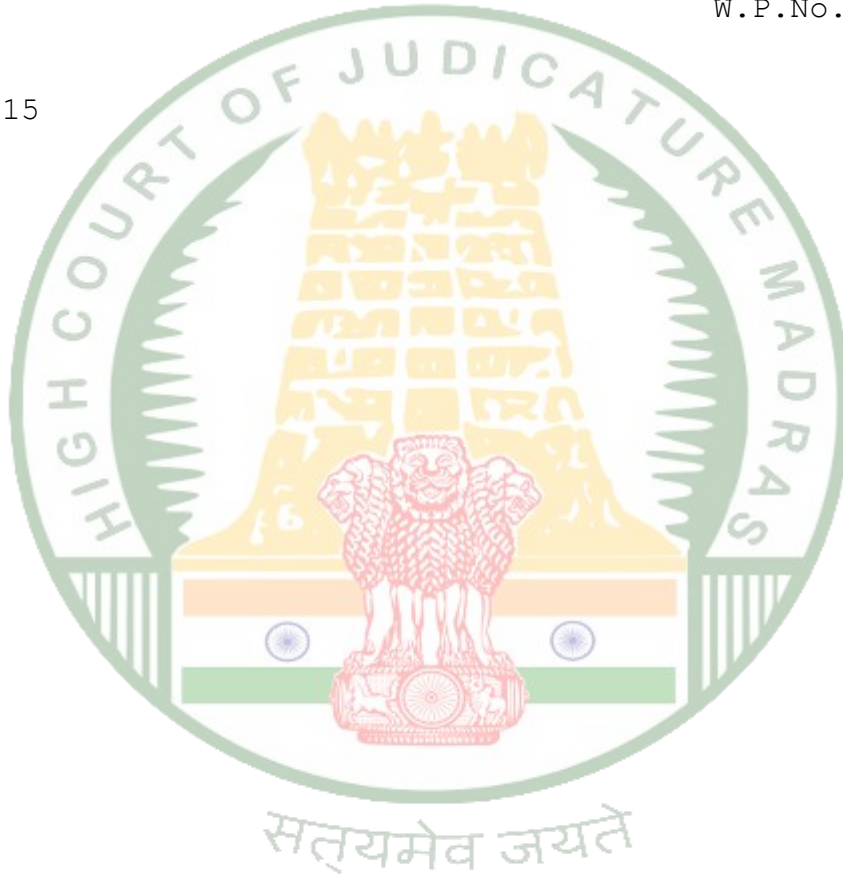
2. The Assistant Engineer,
TANGEDCO,
Udumalpet Town Distribution Circle,
Udumalpet - 642 126.
Tiruppur District.

+1 C.C. To MR.P.Srinivas, Advocate in SR.NO.66657

+1 C.C. To MR.S.K.Raameshuwar, Advocate in SR.NO.67080

W.P.No.38975 of 2015

TM(CO)
sd : 21/12/2015



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