

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16/12/2015

C O R A M

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

W.P.No.39574 of 2015

Dayalan

...

Petitioner

Vs

1. The Chairman
Tamil Nadu Electricity Board
No.123 Anna Salai
Chennai 600 002.
2. The Assistant Engineer (O & M)
Tamil Nadu Electricity Board
Alandur
Chennai 600 016.
3. Muthusamy
4. Karthikeyan

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the second respondent to disconnect electricity supply for the Door Nos.468/10 in Ground Floor occupied by M/s.Revathi Opticals and 468/8 in the first floor at Muthukumarasamy Naicker Road, Alandur, Chennai 600 016.

For petitioner ... Mr.M.Kamalanathan

For respondents ... Mr.P.Gunaraj
for R.R.1 and 2.

O R D E R

With the consent of the learned counsel appearing for the parties, this writ petition is taken up for final disposal.

2. Heard Mr.M.Kamalanathan, learned counsel for the petitioner and Mr.P.Gunaraj for the respondents 1 and 2.

3. This writ petition has been filed praying to direct the second respondent to disconnect electricity supply for the Door Nos.468/10 in Ground Floor occupied by M/s.Revathi Opticals and 468/8 in the first floor at Muthukumarasamy Naicker Road, Alandur, Chennai 600 016.

4. Though the petitioner seeks for such a positive direction, M/s.Revathi Opticals has not been impleaded as the respondent in the writ petition.

5. The learned Standing Counsel appearing for the respondents 1 and 2 submits that the respondents 3 and 4 have committed the offence and the said Revathi Opticals is only a beneficiary.

6. Even if it is so, without hearing to the person, who is stated to be in occupation, no positive direction can be granted by this Court.

7. The learned counsel appearing for the petitioner submitted that already the second respondent had conducted an inspection and the matter is now pending consideration, but the second respondent is reluctant to take any action.

8. The learned Standing Counsel for the respondents 1 and 2 submits that since the representation is pending, the second respondent may be directed to consider in accordance with law.

9. In the light of the above submission and taking note of the facts and circumstances of the case, this writ petition is disposed of, by directing the second respondent to consider the petitioner's representation dated 16/9/2015, issue notice to the petitioner, respondents 3 and 4 as well as the occupants of the premises, viz., M/s.Revathi Opticals and any other occupants and after affording an opportunity of hearing to the parties pass orders, in accordance with law, within a period of three weeks, from the date of receipt of a copy of this order.

10. Since the writ petition is disposed of at the admission stage, waiving notice to the respondents 3 and 4, the merits of the allegations made by the petitioner, as against the private respondents, are not gone into and it has to be verified by the second respondent, who has to proceed in accordance with law. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1. The Chairman
Tamil Nadu Electricity Board
No.123 Anna Salai
Chennai 600 002.
2. The Assistant Engineer (O & M)
Tamil Nadu Electricity Board
Alandur
Chennai 600 016.

+1cc to Mr.M.Kamalanathan, Advocate Sr.67659
+1cc to Mr.P.Gunaraj, Advocate Sr.67532

W.P.No.39574 of 2015

pa[col]
srg 29/12/2015

सत्यमेव जयते

WEB COPY