

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 11-08-2011

CORAM:

THE HON'BLE MR.JUSTICE V.DHANAPALAN

W.P.NO.25379 OF 2008

K.Sundari Kannan

.. Petitioner

Versus

1. The Assistant Engineer (O&M),
Tamil Nadu Electricity Board,
Rajaji Nagar, Villivakkam,
Chennai-600 049.

2. K.Sushila
R2. impleaded as per order dated 28.4.2009
by SNJ in MP.1/09 ... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, to direct the respondent to restore forthwith the disconnected electricity supply under service connection No.72-73-692 to the petitioner's house situated at Door No.19-A Rajamangalam Main Road Villivakkam, Chennai 49.

For Petitioner: No appearance

For Respondent: Mr.G.Vasudevan for TNEB
Mr.S.N.Narasimhulu for R2

ORDER

This Writ Petition was taken up for admission on 24.10.2008 and this Court ordered notice of motion returnable by two weeks and however, taking note of the ensuing Deepavali festival, directed the respondent to give temporary service connection to the building comprised at Door No.19-A Rajamangalam Main Road Villivakkam, Chennai 49 forthwith.

2. Thereafter, the matter was listed on 22.4.2009, on which date, this Court took up the matter made the following order:

"This Court by order dated 24.10.2008 issued interim direction to the respondent to give temporary service connection to the building of the petitioner forthwith. It is stated by the

learned counsel for the petitioner that in pursuance of the said order, electricity reconnection was given. But during the month of March, 2009, without any notice, the same has been again disconnected. This according to the learned counsel for the petitioner amounts to contempt of Court.

The learned counsel for the respondent states that he was not aware as to whether the service connection has been disconnected or not. If the allegations made against the respondent are true, there can be no doubt that the act of the respondent amounts to clear contempt of Court. Therefore, the respondent is directed to be present before this Court on 23.4.2009 at 2.30 p.m. along with the connected records and explain as to why contempt proceedings should not be initiated against him."

3. Thereafter, at the request made by the learned counsel for the petitioner, the matter was adjourned for hearing on 9.4.2009, 27.4.2009 and on 29.4.2009.

4. On 29.4.2009, the Writ Petition was admitted and Rule Nisi was ordered. Thereafter, at the request made by the learned counsel for TNEB to furnish the list of connected matters, the matter was adjourned to 28.7.2011 at 2.15 p.m., and on the said date, when the matter was taken up for hearing, the learned counsel was called absent and respondents have filed counter and submitted that the relief sought for in the writ petition has become infructuous. Considering the same, the matter was ordered to be listed on 4.8.2011. On 4.8.2011 when the matter was taken up, the learned counsel for the petitioner was again called absent, however, in order to give one more opportunity, the matter was ordered to be listed on 11.8.2011 under the caption 'for dismissal'.

5. Even today, when the matter is taken up, neither the learned counsel for the petitioner nor the petitioner is present to prosecute the matter. Therefore, it appears that the petitioner has no interest to get along with the matter. Hence the Writ Petition is dismissed for non-prosecution. No costs.

Sd/-
Asst.Registrar

/True Copy/

Sub.Asst.Registrar

suk

To

1. The Assistant Engineer (O & M)
Tamil Nadu Electricity Board,
Rajaji Nagar, Villivakkam, Chennai 600 049.

+ 3 ccs to Mr. S.N. Narasimhulu, SR.49640

+ 1 cc to Mr.g. Vasudevan, Sr.49715

W.P.NO.25379 OF 2008

KSK(CO)
Eu 26.8.11



WEB COPY