

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.12.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.28433 of 2013

and

M.P.No.1 of 2013

M.Venkatachalam

... Petitioner

Vs

1. The Assistant Enginneer (O & M)
Tamilnadu Generation and Distribution
Corporation Ltd., (TANGEDCO)
Ariyalur Town - 621 704
Ariyalur District

2. P.Elangovan

... Respondents

Prayer : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the 1st respondent in Ka.No.U.Po/E&Ka/Na/Ar/Ko.Va.No.A.No.287 - 2013-2014 dated 04.10.2013 relating to Electricity Service Connection in S.C.No.315-018-392 and quash the same.

For Petitioner : Mr.S.Kamadevan

For Respondents : Mr.P.Gunaraj for R1
Mr.S.Vijayakumar for R2

O R D E R

Heard Mr.S.Kamadevan, learned counsel appearing for the petitioner and Mr.P.Gunaraj, learned counsel appearing for the first respondent and Mr.S.Vijayakumar, learned counsel appearing for the second respondent.

2. The petitioner has filed this Writ Petition challenging the communication issued by the 1st respondent dated 04.10.2013. In fact, the communication cannot be a impugned order as it is only notice issued to the petitioner to produce document to show that he is in lawful possession of the premises in question. In fact the impugned communication is a reply sent to the petitioner's advocate Thiru.R.Selvaraj. Therefore, the petitioner cannot seek to quash the impugned proceedings but to respond to the same.

3. Though elaborate submissions were made by the learned counsel for the petitioner and the learned counsel for the 2nd respondent with regard to the dispute between themselves, this Court is not inclined to go into all these aspects, since the writ petition itself has been filed only when the impugned communication has been received by the petitioner. The counter filed by the 1st respondent does not disclose that there was any enquiry conducted therein prior to the issuance of the impugned letter or thereafter. However, the 1st respondent being the licensee is entitled to consider whether the petitioner is in lawful possession of the premises or not and for which purpose the petitioner is bound to produce all documents. In any event, the question of quashing the impugned proceedings does not arise. However, while rejecting the prayer sought for, liberty is granted to the petitioner to appear before the 1st respondent and produce all documents in support of his claim about the property in question and this direction shall be complied with by the petitioner within a period of three weeks from the date of receipt of copy of the order. Thereafter, the 1st respondent, after notice to the petitioner, 2nd respondent and any other person, who are likely to be affected, hear the parties and pass reasoned order within a period of three weeks thereafter. Till then the status quo prevailing as on date shall be maintained. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

WEB COPY

Sub Assistant Registrar

ssd

To

The Assistant Engineer (O & M)
Tamilnadu Generation and Distribution
Corporation Ltd., (TANGEDCO)
Ariyalur Town - 621 704
Ariyalur District

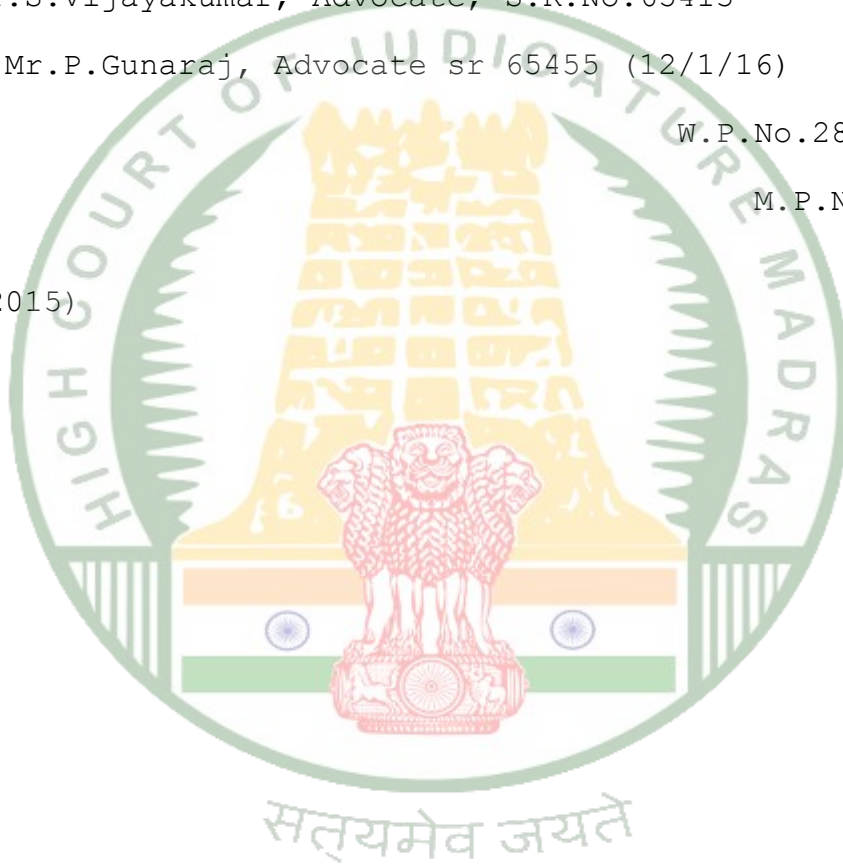
+1cc to Mr.S.Kamadevan, Advocate, S.R.No.65460

+1cc to Mr.S.Vijayakumar, Advocate, S.R.No.65413

+ 1 cc to Mr.P.Gunaraj, Advocate sr 65455 (12/1/16)

W.P.No.28433 of 2013
and
M.P.No.1 of 2013

RSK(CO)
CA(11/12/2015)



WEB COPY