

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2016

CORAM

THE HON'BLE Mr. JUSTICE SATISH K.AGNIHOTRI
and
THE HON'BLE Mr. JUSTICE M.VENUGOPAL

W.A.Nos.1619 to 1621 of 2015
and
M.P.Nos.1, 1 and 1 of 2015

P.Pradeep Kumar ... Appellant in W.A.No.1619/2015
P.Prabakar ... Appellant in W.A.No.1620/2015
1.J.Karthikeyan
2.J.Deepak Kumaran ... Appellants in W.A.No.1621/2015

Vs.

The Assistant Executive Engineer,
Operation and Maintenance,
Tamil Nadu Electricity Board,
Vikiravandi,
Tindivanam - 604 001. ... Respondent in W.A.Nos.1619
and 1620 of 2015

1.Tamil Nadu Electricity Generation
& Distribution Corporation
Limited (TANGEDCO)
rep. by its Chief Engineer
(Commercial),
No.144, Anna Salai, Chennai - 2.

2.The Superintending Engineer,
Villupuram Electricity Distribution
Circle,
No.10, Old Power House Road,
Villupuram - 605 602.

3.The Executive Engineer,
TANGEDCO, Marakkanam Road,
Tindivanam - 604 001.

4.The Assistant Executive Engineer
(Town), TANGEDCO,
Marakkanam Road,
Tindivanam - 604 001.

5.The Assistant Executive Engineer
(Town II), TANGEDCO,
Marakkanam Road,
Tindivanam - 604 001.

.. Respondents in
W.A.No.1621 of 2015

Appeals filed under Clause 15 of Letters Patent against the orders dated 22.09.2015 made in W.P.Nos.32910, 33412 and 33954 of 2013.

W.P.No.32910/2013

Writ petition is filed under Article 226 of the Constitution of India for a writ of Certiorari to call for the entire records in the notice issued by the respondent in Ka.No. Se.Po/E&Pa/Vikkara/Co/LTCT/A No. 113/13-14 dated 05.10.2013 and quash the same.

W.P.No.33412 /2013

Writ petition is filed under Article 226 of the Constitution of India for a writ of Certiorari to call for the entire records in the notice issued by the respondent in Ka. No. Se. Po/E & Pa/Thivam/Co. Min Inaippu/A. No. 325/13 dt 6.11.2013 and quash the same

W.P.No.33954 /2013

Writ petition is filed under Article 226 of the Constitution of India for a writ of Certiorari to call for the records of impugned communication in Ka.No. Se.Po/ E&Pa/ Thivam/ Ko.Electricity Connection/ A.No.324/13 dated 6.11.2013 passed by the 3rd respondent herein and quash the same

For Appellants ... Mr.D.Ravichander
in all the appeals

For Respondents .. Mr.M.Varun Kumar,
Standing Counsel
in all the appeals

COMMON JUDGMENT

(Judgment of the Court was delivered by SATISH K.AGNIHOTRI, J.)

With the consent of the learned counsel appearing for the parties, the writ appeals are taken up for final disposal.

2.Questioning the legality of the communications dated 05 October 2013, 06 November 2013 and 06 November 2013 respectively whereby and whereunder, the appellants/writ petitioners were directed to get high tension power supply as electricity connection Nos.377 and 545, 460-004-145, 460-004-1466 and 457-009-547, 457-009-804 respectively in their complex are being operated in single connection, the appellants herein filed the writ petitions. The learned single Judge examined all the facts and came to the conclusion as under in W.P.No.32910 of 2013:

"7.On considering the facts and circumstances of the case and arguments advanced by the highly competent counsels on either side and on perusing the typed set of papers, it is seen that the service connection Nos.415-006-377 and 415-005-545 are established in the same location viz., Sithani Village, V.Salai. Now, the respondents want to merge two connections as one as per Regulation 27(14) of the Tamil Nadu Electricity Distribution Code 2004. As such, the respondent's communication dated 05.10.2013 is fit to be operated upon further and no prejudice will be caused to the petitioner. Hence, the above writ petition is dismissed. There is no order as to costs. Consequently, connected miscellaneous petition is closed."

Similar observation was made by the learned single Judge in the connected writ petitions in W.P.Nos.33412 and 33954 of 2013. Aggrieved by the said observation, the appellants/writ petitioners have come up with the instant writ appeals.

3.The learned counsel appearing for the appellants submits that the aforestated impugned communications were sent, as pleaded by the respondents, on the basis of reports submitted by a team of engineers pursuant to the alleged inspection of the premises. It is further contended that the appellants were not served with the copies of the reports to enable them to file appropriate response, before the impugned communications were served on them. Thus the appellants may be given an opportunity to file their response to the impugned communications on supply of copies of the reports. Thereafter, the authorities may take appropriate decision in accordance with law.

4.Learned Standing Counsel appearing for the authorities fairly submits that copies of the reports, which form the basis of the impugned communications, will be supplied to the appellants within a period of two weeks and the appellants will be given an opportunity to file their response within a further period of two weeks. He would further submit that the respondents/authorities be granted liberty to take decision in accordance with law and on its own merits.

5.In view of the above submission made by the learned Standing Counsel appearing for the respondents, it is ordered accordingly.

6.With the aforestated observations, the writ appeals stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

sd/-
Assistant Registrar (Cs-III)

/TRUE COPY/

Sub-Assistant Registrar

mmi

To

- 1.The Assistant Executive Engineer,
Operation and Maintenance,
Tamil Nadu Electricity Board,
Vikiravandi,
Tindivanam - 604 001.
- 2.The Chief Engineer (Commercial),
Tamil Nadu Electricity Generation
& Distribution Corporation
Limited (TANGEDCO),
No.144, Anna Salai, Chennai - 2.
- 3.The Superintending Engineer,
Villupuram Electricity Distribution
Circle,
No.10, Old Power House Road,
Villupuram - 605 602.
- 4.The Executive Engineer,
TANGEDCO, Marakkanam Road,
Tindivanam - 604 001.

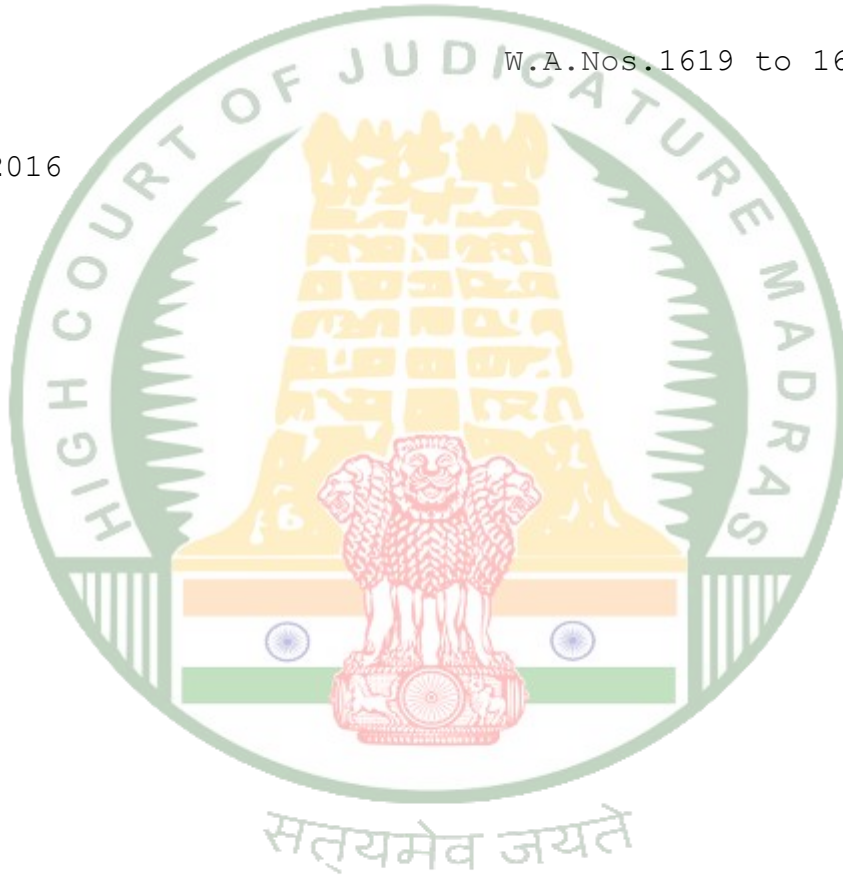
5.The Assistant Executive Engineer
(Town), TANGEDCO,
Marakkanam Road,
Tindivanam - 604 001.

6.The Assistant Executive Engineer
(Town II), TANGEDCO,
Marakkanam Road,
Tindivanam - 604 001.

+3 CC to MR.M.Varun Kumar, Advocate. SR.NO. 6788, 6787, 6789

W.A.Nos.1619 to 1621 of 2016

CO-AD
JD 16/02/2016



WEB COPY