

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 29.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.16391 of 2016

&

W.M.P.Nos.14182 and 14183 of 2016

Ezhilarasan

... Petitioner

Versus

1. The Chairman,
TANGEDCO,
10th Floor, NPKRR Maaligai,
144, Anna Salai, Chennai-2.
2. The Superintending Engineer (O & M),
Tamil Nadu Electricity Board,
Krishnagiri-635 001.
3. The Executive Engineer (O & M),
Tamil Nadu Electricity Board,
Rayakotta Road, Hosur,
Hosur Town & Taluk,
Krishnagiri District.
4. The Assistant Executive Engineer (O & M),
Tamil Nadu Electricity Board,
Rayakotta Road, Hosur Taluk,
Krishnagiri District.
5. The Assistant Engineer (O & M),
Tamil Nadu Electricity Board,
Andhivadi, Thally Road,
Hosur Taluk, Krishnagiri District.
6. The Assistant Engineer (O & M),
Tamil Nadu Electricity Board,
Mathigiri, Hosur Taluk,
Krishnagiri.

7. R.Priya

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorari, to call for the records on the file of the fourth respondent in Proceedings, Jr.No.AEE/O&M/Town/Hosur/F.W.P.No.34558 of 2014/

2015, dated 11.03.2015 and quash the same as illegal, incompetent and without jurisdiction.

For Petitioner : Mr.G.Punniyakotti

For Respondents : Mr.M.Varunkumar
Standing Counsel

O R D E R

Heard Mr.G.Punniyakotti, learned counsel appearing for the petitioner and Mr.M.Varunkumar, learned Standing Counsel, accepting notice on behalf of respondents. With the consent of the learned counsel on either side, the Writ Petition is taken up for final disposal.

2. The petitioner has filed this Writ Petition, for issuance of Writ of Certiorari, to call for the records on the file of the fourth respondent in Proceedings Lr.No.AEE/O&M/Town/Hosur/F. W.P.No.34558 of 2014/2015, dated 11.03.2015 and quash the same as illegal, incompetent and without jurisdiction.

3. This is a second time the petitioner is before this Court for almost the same relief. Earlier, the petitioner filed a Writ Petition in W.P.No.34558 of 2014, for Mandamus, to restrain the respondent-Electricity Board, not to effect any electricity service connection to the private respondents therein and one of whom has been impleaded in this Writ Petition as the seventh respondent. Though such relief was sought for, the Writ Court did not grant the entire relief, but directed the Authority to consider his representation and pass orders on merits and in accordance with law, after issuing notice and conducting enquiry.

4. After disposal of the Writ Petition, by order dated 23.12.2014, a show-cause notice has been issued to the petitioner to appear before the Authority and produce necessary documents. This opportunity given to the petitioner has not been utilized by him. Therefore, now, the petitioner seeks for issuance of Writ of Certiorari, for quashing the impugned order.

5. The relief sought for in this Writ Petition cannot be granted as the petitioner is guilty of not having utilized the opportunity granted to him. In any event, since the petitioner and along with two others have filed a Suit in O.S.No.59 of 2004, on the file of Principal District Court, Krishnagiri, impleading 21 defendants of whom, the seventh respondent is the 19th defendant, it is open to the petitioner to pursue his remedies in the pending Civil Suit.

Accordingly, the above Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

r n s

To

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+1cc to Mr.M.Varunkumar, Advocate, S.R.No.27810

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UG(CO)

CA(30/05/2016)

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