

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 04-03-2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.28580 OF 2015

A.Thangaraj

...

Petitioner

-vs-

The Assistant Executive Engineer,
T.N.E.B.,
Chengalpattu Town,
Chengalpattu.

...

Respondent

Petition under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus, directing the respondent to consider the representation, dated 30.07.2015, by conducting due enquiry with regard to the unlawful and unauthorised E.B.connection vide No.515-003-1244 in the name of a third person over the property of the petitioner situated in T.S.No.425/2, Guntur village, Chengalpattu.

For petitioner : Mr.V.Manohar

For respondent : Mr.S.K.Rameshuwar

O R D E R

Petitioner has filed this Writ Petition, praying for a direction to the respondent to consider the representation, dated 30.07.2015, by conducting due enquiry, wherein the petitioner has alleged that an unauthorised electricity service connection has been given in the name of a third person in the property owned by the petitioner in T.S.No.425/2, Guntur village, Chengalpattu Taluk.

2. Counter affidavit filed by the respondent shows that service connection has been granted to one Rajagopal and the respondent has stated that the revenue authorities and other officials and the said Rajagopal have to be impleaded in the Writ Petition so as to make it clear as to who is the owner of the land.

3. In fact, the respondent is attempting to shift his responsibility to this Court, but it is the duty of the respondent to properly verify as regards the ownership of the property when an application for grant of service connection

is made. If there is any doubt as to the ownership, then the respondent should have first verified the same with the revenue officials and then, after confirmation that there is no dispute, should have proceeded to take action. But, now, the respondent wants the clock set back by this Court, which exercise the respondent ought to have done before granting the service connection. Though the petitioner has stated that service connection is granted in the name of a third person, the said third person is presumably one Rajagopal, who has not been impleaded as a party/respondent in this Writ Petition.

4. However, since the relief sought for in this Writ Petition is only for a direction to consider the representation, the respondent is directed to consider the petitioner's representation, dated 30.07.2015, issue notice to the petitioner and the said Rajagopal and, if necessary, take the assistance of the Tahsildar, Chengalpattu, and, after conducting an enquiry, pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

5. Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

dixit

To

1. The Assistant Executive Engineer,
T.N.E.B.,
Chengalpattu Town,
Chengalpattu.

2. The Tahsildar,
Chengalpattu.

+1 cc to Mr.V.Manohar, Advocate, sr.13965
+1 cc to Mr.S.K.Rameshuwar, Advocate, sr.14086

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