

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17-02-2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.37897 OF 2015

M/s.Udayam Textiles Printers,
rep.by its Partner,
S.Sathyamoorthy

... Petitioner

-Vs-

1. The Superintending Engineer,
(Operation and Maintenance)
Tamilnadu Generation and Distributioin Circle,
Erode.
2. The Assistant Executive Engineer,
(Operation and Maintenance)
Tamilnadu Generation and Distributioin Circle,
(Operation and Maintenance) West
Erode.
3. The Assistant Engineer,
(Operation and Maintenance)
Tamilnadu Generation and Distributioin Circle,
Erode.
4. V.S.Pushparaj
5. V.S.Ravichandran
6. P.Manjula
7. The Chairman,
Tamilnadu Generation and Distribution
Corporation Ltd.,
Chennai.

.... Respondents

Petition under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus, directing the respondents 1 to 3 to disconnect the electricity service connection bearing No.006-011-0112 standing in the name of the sixth respondent and to enhance the capacity of another service connection bearing No.04-006-011-1272, standing in the name of the fourth respondent from 150 H.P. to 300 H.P. given to the petitioner's firm situated at R.S.No.161/1 of Thindal

Village, Erode District, without the consent of the sixth respondent, by considering the petitioner's representation, dated 21.09.2015.

For petitioner : Mr.I.C.Vasudevan

For respondents 1 to 3 & 7 : Mr.S.K.Rameshuwar

For respondents 4 to 6 : Mr.T.Murugamanickam

O R D E R

Petitioner seeks for issuance of a writ of mandamus, directing the respondents 1 to 3, to disconnect the electricity service connection bearing No.006-011-0112 standing in the name of the sixth respondent and to enhance the capacity of another service connection bearing No.04-006-011-1272, standing in the name of the fourth respondent from 150 H.P. to 300 H.P. given to the petitioner's firm situated at R.S.No.161/1 of Thindal Village, Erode District, without the consent of the sixth respondent.

2. The prayer sought for in this Writ Petition is misconceived. The petitioner, not having challenged the proceedings, dated 06.11.2015, cannot seek for such a relief. In the said proceedings, the third respondent has clearly stated that one of the service connections is liable for disconnection and it is open for the petitioner to apply for H.T.Service Connection. The allegation by the petitioner over the said communication, dated 06.11.2015, is that in the event of one of the service connections being disconnected, and the petitioner making an application for H.T.Service Connection, the third respondent should not insist upon No Objection Certificate from the sixth respondent.

3. In my view, the reason for filing the Writ Petition itself is thoroughly premature, because, as on date, the proceedings, dated 06.11.2015, are not given effect to, by the third respondent. In fact, the petitioner ought to have submitted a reply to the said communication and, without doing so, the petitioner has rushed to this Court with the aforesaid prayer. Hence, the relief sought for cannot be granted.

4. Accordingly, while rejecting the prayer sought for in the Writ Petition, the petitioner is directed to submit a reply to the communication, dated 06.11.2015, issued by the third respondent, within a period of two weeks from the date of receipt of a copy of this order, and, on receipt of such reply, the third respondent shall proceed with the matter, in accordance with law.

5. Writ Petition is disposed of accordingly. No costs. Consequently, the connected M.P.No.1 of 2015 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

dixit

To

1. The Superintending Engineer,
(Operation and Maintenance)
Tamilnadu Generation and Distributioin Circle,
Erode.
2. The Assistant Executive Engineer,
(Operation and Maintenance)
Tamilnadu Generation and Distributioin Circle,
(Operation and Maintenance) West
Erode.
3. The Assistant Engineer,
(Operation and Maintenance)
Tamilnadu Generation and Distributioin Circle,
Erode.
4. The Chairman,
Tamilnadu Generation and Distribution
Corporation Ltd.,
Chennai.

+1cc to Mr.T.Murugamanickam, Advocate, S.R.No.10118

MSM(CO)
CA(01/03/2016)

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