

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 15-02-2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.4330 OF 2015

AND

MP.NOS.1 & 2/2015

Anjappa Venkatesh

..Petitioner

-Vs-

1.The Executive Engineer,
TANGEDCO, Royakottai Road,
Hosur, Krishnagiri District.

2.The Assistant Engineer,
TANGEDCO, Batlapalli,
Hosur, Krishnagiri District.

3. Sampangiappa

..Respondents

Petitioner under Article 226 of the Constitution of India, praying for issuance of a writ of certiorarified mandamus, to call for the records pertaining to the proceedings of the second respondent in Ka.No:U.Po/E.Pa/Batlapalli/Ko: Complaint/No.353/14, dated 23.01.2015, and quash the same as illegal and incompetent and consequently direct the second respondent to disconnect the electricity connection No.080-002-708 at S.No.234/2 at Mornapalli Village, Hosur Taluk, Krishnagiri District.

For Petitioner : Mr.R.Jayaprakash

For Respondents 1 & 2 : Mr.M.Varunkumar

For Respondent 3 : No Appearance

O R D E R

Petitioner has filed this Writ Petition, challenging the proceedings of the second respondent, dated 23.01.2015, and to direct the second respondent to disconnect the electricity supply granted in favour of the third respondent.

2. Though notice in the Writ Petition has been served on the third respondent and his name is printed in the Cause List, none appears for him. Respondents 1 and 2 have filed a counter affidavit.

3. Petitioner has objected to grant of electricity supply in respect of four persons, who are said to have encroached his land, comprised in Survey Nos.234/2 and 234/1B1B in Mornapalli Village, Hosur Taluk, Krishnagiri District. In the suit filed by the petitioner before the Court below, there are three defendants, first and second defendants being Siddappa and Nanjappa respectively, and third defendant is the Divisional Engineer, TNEB (O&M), Hosur Taluk, Krishnagiri District.

4. From the impugned proceedings, it is seen that electricity supply has not been granted in favour of the persons, who are defendants in the suit, but the third respondent herein, who is not a party to the said suit, has been granted electricity supply on 26.12.2014.

5. The specific contention of the petitioner is that the third respondent is an encroacher. From the impugned proceedings, it is clear that the second respondent has not verified the documents produced by the third respondent to show his lawful possession, which is a pre-requisite for grant of electricity supply. Even assuming that such supply is to be granted, it shall be only after indemnity bond is furnished. But, the second respondent has not disclosed in the impugned order that the third respondent is in lawful possession of the premises.

6. Therefore, there will be a direction to the second respondent to consider the case of the petitioner, by taking note of his objections made on 05.01.2015 and 05.02.2015; issue notice to the petitioner and the third respondent, examine the documents produced by the third respondent as to the basis on which he claims to be in lawful possession of the property and also the documents that may be produced by the petitioner, and pass a reasoned order on merit and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

7. Writ Petition is disposed of accordingly. No costs. Consequently, the connected M.P.Nos.1 and 2 of 2015 are closed.

dixit

Sd/-
Asst.Registrar

/true copy/

To

1.The Executive Engineer,
TANGEDCO,
Royakottai Road,
Hosur, Krishnagiri District.

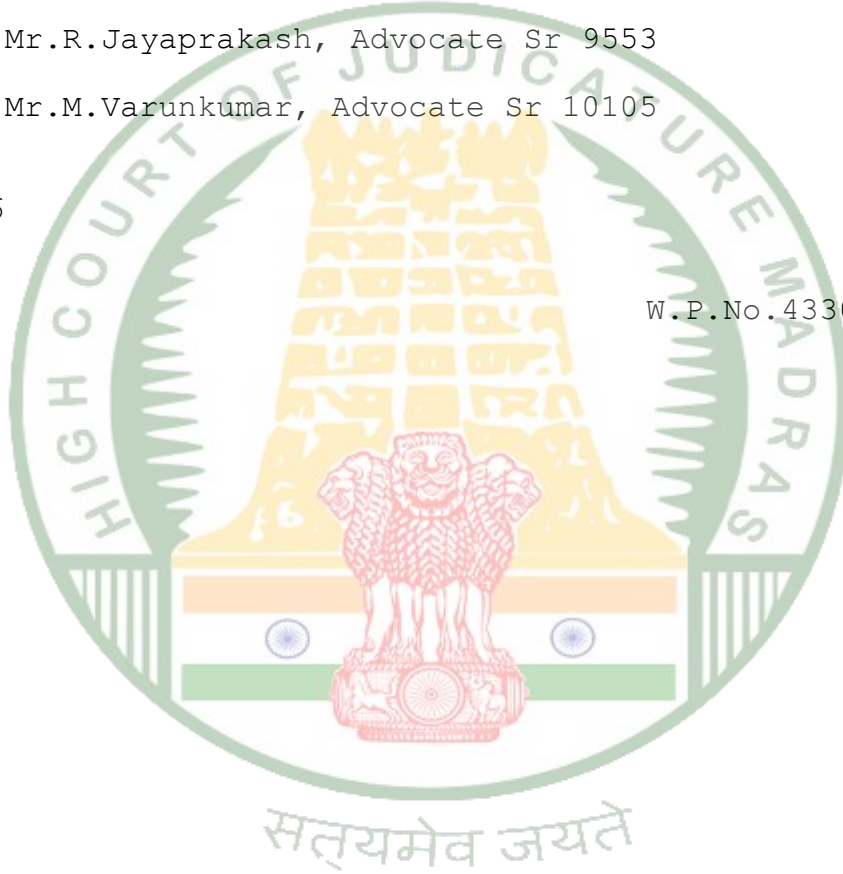
2.The Assistant Engineer,
TANGEDCO, Batlapalli,
Hosur, Krishnagiri District.

+ 1 cc to Mr.R.Jayaprakash, Advocate Sr 9553

+ 1 cc to Mr.M.Varunkumar, Advocate Sr 10105

KR/24/2/16

W.P.No.4330 OF 2015



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