

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.02.2016

Coram

The Hon'ble Mr.Justice T.S.Sivagnanam

Writ Petition No.4568 of 2015
and
M.P.Nos.1 and 2 of 2015

Malliswari

...Petitioner

Vs.

1. The Junior Engineer,
Tamil Nadu Electricity Board,
Tiruttani Town II,
Thiruvallur District.

2. V.Balaiah

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorari to call for records relating to the order, dated 17.02.2015, made in Ka.No.E.Ru.Po/E.Ma.Pa./Na.Ka2/Thiru/Ko.Pa. Ma/No.54/15, relating to electricity service connection No.342-005-308, 342-005-309, 342-005-310, 342-005-399, on the file of the first respondent in respect of the petitioner's property situate in Survey No.59/5B, Tiruttani, Tiruvallur District, and to quash the same.

For Petitioner : Mr.S.Vinothkumar

For Respondent -1 : Mr.S.K.Rameshwar
Standing Counsel for TNEB

For Respondent-2 : Ms.K.Kavitha

O R D E R

Heard the learned counsels appearing for the respective parties.

2. The petitioner and the second respondent are brother and sister, and there is a bitter battle between them in respect of an immovable property, which has led to this litigation. This issue, concerning electricity service connection, admittedly, stands in the name of the petitioner. Now, the second respondent, viz., the petitioner's brother wants the electricity service connection to be changed in his name. In

this regard, the first respondent has issued the proceedings, dated 17.02.2015, calling upon the petitioner-Malliswari to produce documents to show that she is in lawful possession of the property, failing which, action would be taken for the change of electricity service connection in the name of the second respondent. Impugning the same, the present Writ Petition is filed.

3. The learned counsel appearing for the second respondent has invited the attention of this Court to the earlier decision of the Court rendered in W.P.No.2597 of 2015, which was filed by the petitioner herein, wherein, it is seen that, this Court, while discussing on the aspects related to title over the property, ultimately, dismissed the said Writ Petition by order, dated 17.03.2015. Further, the learned counsel has referred to the averments made in para No.10 of the counter affidavit, from which, it is seen that the second respondent has sought only for transfer of electricity service connection in his name, and therefore, the learned counsel submitted that the second respondent has never sought for cancellation of the electricity service connection. However, the dispute has still not come up to that extent, as the first respondent has only called upon the petitioner for production of certain documents to show that she is in lawful possession of the property, and it is to be noted that no final decision has been taken. Hence, the question of quashing the impugned proceedings at this stage of the matter, does not arise. Accordingly, while declining to grant the relief sought for by the petitioner, this Court is simultaneously, inclined to issue the following directions, as the same would meet the ends of justice:-

i) Accordingly, the first respondent is directed to consider the documents produced by the petitioner, and issue notice to the petitioner and the second respondent and pass a reasoned order on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

ii) Till orders are passed, the electricity service connection shall not be disconnected.

4. Accordingly, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

sd

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

The Junior Engineer,
Tamil Nadu Electricity Board,
Tiruttani Town II,
Thiruvallur District.

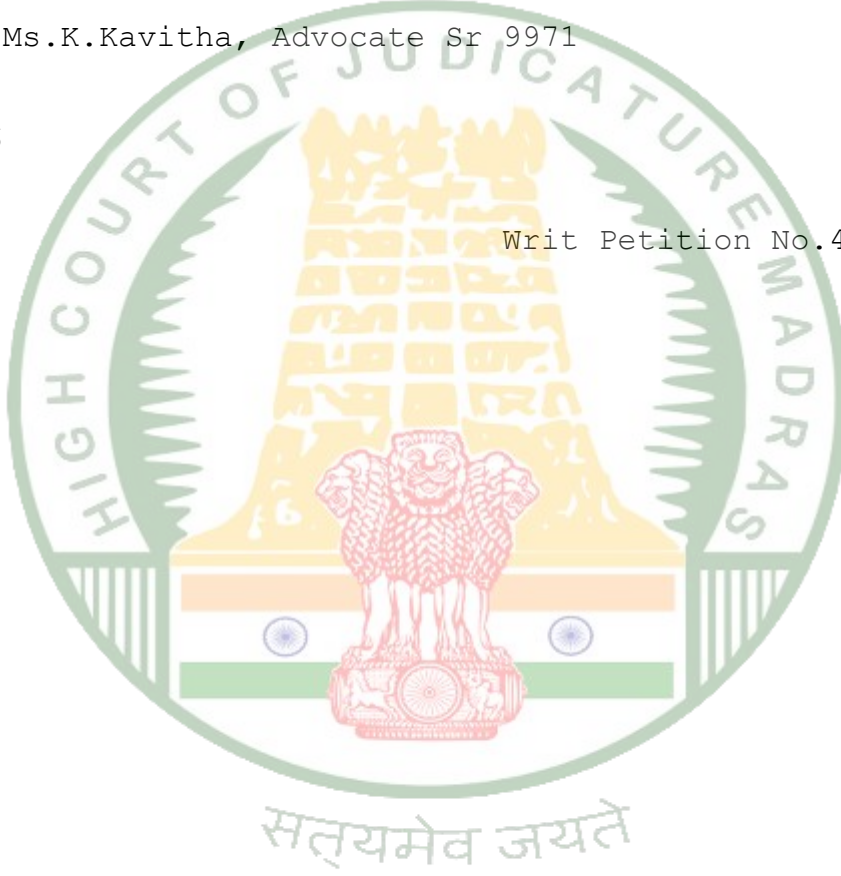
+ 1 cc to Mr.S.K.Rameshuwar, Advocate Sr 9574

+ 1 cc to Mr.S.Vinothkumar, Advocate Sr 9792

+ 1 cc to Ms.K.Kavitha, Advocate Sr 9971

KR/26/2/16

Writ Petition No.4568 of 2015



WEB COPY