

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-07-2016

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.23175 of 2016
and WMP No.19874 of 2016

Mrs.T.Mahalakshmi

...

Petitioner

Vs.

1.The Chairman
Tamil Nadu Electricity Board,
Anna Salai,
Chennai - 600 002.

2.The Assistant Engineer,
TANGEDCO,
Tamil Nadu Electricity Board,
East Guduvanchery,
Chennai - 603 202.

3.The Executive Engineer,
Maintainance,
Maraimalai Nagar Division,
Chengalpattu Electricity Distribution,
Maraimalai Nagar.

4.Mr.T.N.Alagarswamy

...

Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of certiorarified Mandamus to call for the records of the notice dated 30.05.2016 bearing Ref.No.க.எண் ௨௮௮ / பொ / கி / கூடு / கு.எண் 022 / 16.17 நாள் 30.5.16 issued by the second respondent herein and to quash the same as illegal, arbitrary and consequently direct the second respondent herein to forbear from disconnecting the electricity supply to their service connection No.569-019-764.

For Petitioner

: Mr.M.Aravind Subramaniam

For Respondents

: Mr.S.K.Rameshuwar
for R1 to R3

O R D E R

The petitioner is the absolute owner of the property measuring to an extent of 0.0012 sq.mtrs. comprised in Survey No.35/1B situated at Potheri and had obtained electricity service connection bearing No.569-019-764 in respect of a building located in the land which is said to have been purchased by the petitioner through registered sale deed dated 01.11.2001.

2. The grievance of the petitioner is that the fourth respondent who is the subsequent purchaser of the adjacent property raised dispute with regard to issuance of patta to the petitioner's property and hence the patta issued to the petitioner was cancelled by the Revenue Divisional Officer, Chengalpattu by virtue of order dated 20.11.2013. Against the said order, the petitioner has filed an appeal with the District Revenue Officer, Kancheepuram and the same is pending. However, the second respondent, based on the request of the fourth respondent, issued the impugned order stating that the petitioner has obtained electricity service connection in respect of the property belonging to the son of the fourth respondent. Based on the complaint of the fourth respondent, the petitioner has been issued with show cause notice to disconnect the electricity service connection, within seven days of receipt of the said notice. The said order is being challenged before this Court in this writ petition.

3. Heard Mr.M.Aravind Subramaniam, learned counsel appearing for the petitioner and Mr.S.K.Rameshuwar, learned counsel appearing for the respondents 1 to 3.

4. The writ petition is disposed of without giving notice to the fourth respondent in view of the following reasons -

The second respondent had already written a letter to the fourth respondent on 27.06.2016 stating that the dispute between the petitioner and the fourth respondent with regard to cancellation of patta in respect of the petitioner's property is pending before the authorities and the issue will be decided after the proceedings before the authorities are completed.

5. Since the second respondent had already taken a decision to abide by the decision taken by the authorities with regard to the dispute between the petitioner and fourth respondent, the impugned order is overruled by the second respondent impliedly. In any event, in view of the above developments, especially the communication dated 27.06.2016 issued by the second respondent to the fourth respondent, the impugned order is liable to be set aside and

it is accordingly set aside. It is always open to the second respondent to take a decision, after the dispute between the petitioner and the fourth respondent attains finality.

6. In the result, this writ petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rgr

To

1.The Chairman
Tamil Nadu Electricity Board,
Anna Salai, Chennai - 600 002.

2.The Assistant Engineer,
TANGEDCO,
Tamil Nadu Electricity Board,
East Guduvanchery,
Chennai - 603 202.

3.The Executive Engineer,
Maintainance,
Maraimalai Nagar Division,
Chengalpattu Electricity Distribution,
Maraimalai Nagar.

+1cc to Mr.M.Aravind Subramaniam, Advocate, S.R.No.37713
+1cc to Mr.S.K.Raeshuwar, Advocate, S.R.No.37698

W.P.No.23175 of 2016

skv(co)
pmk.23.07.2016

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