

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2016

CORAM:

THE HONOURABLE MR. JUSTICE T.S. SIVAGNANAM

W.P. NO. 3778 of 2016

M. Venugopal

... Petitioner

-VS-

1. The Assistant Engineer
O & M Korukkupet
Tamil Nadu Electricity Board
Chennai - 600 081.

2. E. Moorthy Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus, directing the respondents to call for the records in Ka. No.2.Po/Ko.Pettai/ Va.Vu/Ko.Thani/ Aa.No.168/15 dated 04.11.2015 on the file of the 1st respondent, quash the same and direct the first respondent to provide electricity connection to the business premises of the petitioner at No.11-A Chunnambu Kaavai Road, Korukkupet, Chennai - 600 021 in consideration of the representation dated 18.11.2015 of the petitioner within the time frame as fixed by this Court and pass further orders.

For petitioner : Mr. G. Saravanan

For respondents: Mr. P.R. Dhilip Kumar for R1

O R D E R

Mr. P.R. Dhilip Kumar, learned counsel accepts notice to the 1st respondent. With the consent of both parties, the writ petition is disposed of, at the stage of admission itself.

2. The petitioner has filed this Writ Petition to quash the proceedings issued by the first respondent, by which the petitioner has been called upon to produce some documents, to show that he is in separate possession and enjoyment of the premises at No.11-A Chunnambu Kaavai Road, Korukkupet. It appears that the property is a lease hold property, said to have been allotted in favour of the petitioner's grand father Mr. P. G. Elumalai Naickar. After

his demise, the petitioner's father Mr. E. Manivannan and his brother E. Moorthy, the 2nd respondent, were said to have been carrying on business, in the premises. After the demise of the petitioner's father, the petitioner is carrying on business in a separate portion, in the same property, which is said to have been given a separate Door Number, namely, 11-A. It is submitted that there are two electricity service connections, one in the name of the petitioner's grand father and the other in the joint name of the petitioner's father Mr. E. Manivannan and Mr.E. Moorthy, the 2nd respondent. The petitioner would state that the 2nd respondent, with a view to deny access to the property and carry on business, objected to the grant of separate electricity connection to the petitioner and he is taking advantage of the fact that the metre box is situated, in the premises, in which he is in possession. Therefore, the petitioner has given an application for grant of separate service connection and the petitioner has also remitted the requisite charges.

3. It appears that the 2nd respondent has given an objection stating that the petitioner has no right over the property. Based on such representation, the 1st respondent has called upon the petitioner to produce documents to show that he is in actual possession of the specific extent of the property, which has been assigned D. No. 11-A. This order is impugned in the writ petition.

4. It has to be pointed out that the impugned communication, is not an order and it is only a notice calling upon the petitioner to produce documents and the petitioner cannot seek to quash the proceedings. Therefore, he has to approach the 1st respondent to prove his right over the property and to get electricity service connection. In fact, the petitioner has also given a reply on 18.11.2015. Therefore, at this juncture, the impugned proceedings cannot be quashed.

5. In the light of the above, the Writ Petition is disposed of, by directing the petitioner to appear before the 1st respondent along with the documents to prove that he is in possession and enjoyment of the property bearing D.No. 11-A and the 1st respondent shall enquire into the matter, after notice to the petitioner and the 2nd respondent, decide the matter in accordance with law and pass orders assigning reasons, within a period of three weeks from the date of receipt of a copy of this order. No costs.

avr

Sd/-

Assistant Registrar (CS)

/TRUE COPY/

Sub-Assistant Registrar

To

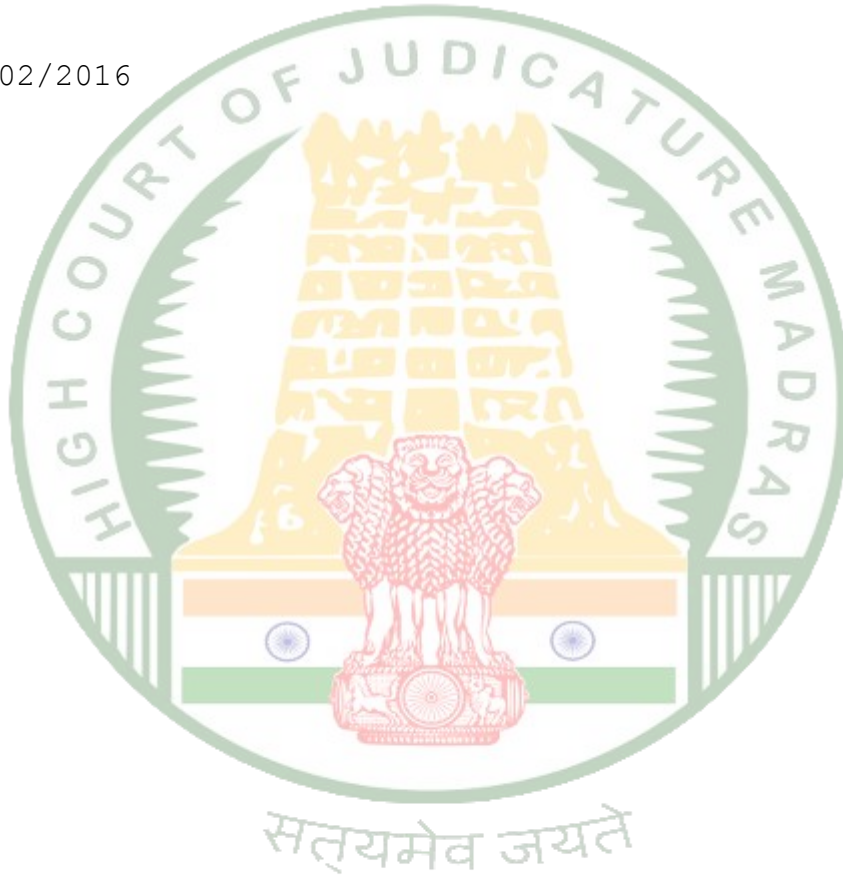
1. The Assistant Engineer
O & M Korukkupet
Tamil Nadu Electricity Board
Chennai - 600 081.

+1CC to MR.P.R.DHILIPKUMAR Advocate SR.NO.6493/2016

W.P. NO. 3778 of 2016

KK[CO]

MK : 15/02/2016



WEB COPY