

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.03.2017

CORAM:

THE HON'BLE MR.JUSTICE T.RAJA

W.P.No.5097 of 2017
& W.M.P.No.5370 of 2017

K.S.A.Rajaram Kumar

..Petitioner

Vs.

1. The Chairman,
TANGEDCO,
800, Anna Salai, Chennai-600 002.
2. The Superintending Engineer,
TANGEDCO, CEDC West,
Tirumangalam West,
Anna Nagar, Chennai-600 040.
3. The Executive Engineer,
O & M, Anna Nagar,
TNEB Anna Nagar, CEDC/West,
Anna Nagar, Chennai-600 040.
4. The Assistant Engineer,
(O & M), Aminjikarai,
TANGEDCO/CEDC/West,
Kilpauk Water Work Complex,
New Avadi Road, Chennai-600 010.

..Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus forbearing the respondents from including the arrears payable by Kasimari Private Limited in respect of HT Service Connection No.2198 in the LT SC.No.167-033-373 in the property bearing Door No.50, Pulla Avenue, Shenoy Nagar, Chennai-30.

For Petitioner : M/s.K.S.Gandhi

For Respondents : Mr.P.R.Dhilipkumar

O R D E R

This writ petition has been filed by K.S.A.Rajaram Kumar seeking for issuance of writ of Mandamus forbearing the respondents from including the arrears payable by Kasimari Private Limited in respect of HT Service Connection No.2198 in the LT SC.No.167-033-373 in the property bearing Door No.50, Pulla Avenue, Shenoy Nagar, Chennai-30.

2. The petitioner's grand mother Paullithai Shanmugasundaram had purchased a house bearing No.50, Pulla Avenue, Shenoy Nagar, Chennai in the year 1957. After some time, the said property was divided into four portions and each share was settled in favour of her grandsons including the petitioner after reserving life interest for each of her four sons by way of settlement deed. The portion allotted to the petitioner's son had an EB LT connection No.167-033-373 which also stood in the name of the petitioner's grandmother. The petitioner and his family members are in occupation of the house and enjoying the electricity connection by paying the electricity bills regularly for the EB connection. The petitioner's grandfather late Shamugha sundara Nadar had floated a private limited company viz., Kasimari Ceramics Private Limited with industrial units at Maduravoyal and Aarumuneri Village with High Tension Electricity Connection No.2198. Due to business loss, the units were closed in the year 1976 and the company was liable to pay Rs.77,700/- towards pending EB bills for the above said HT Connections from October, 1975 to February, 1976. In the meanwhile, the second respondent also sought to transfer the amount payable by the above said company together with belated payment charges amounting to Rs.90,16,800/- by transferring the same to the LT SC No.167-033-211 allotted to the share of petitioner's uncle K.S.S.Dhamodharan. At this juncture, both the petitioner's grandmother and his uncle have filed two writ petitions.

3. The writ petition in W.P.No.14790 of 2005 filed by Paulthai Shanmugasundaram challenging the proceedings dated 20.12.2004 and for a direction, directing the respondents to restore electricity to the petitioner's service connection to LT A/C No.167-33-211 at the door No.50, Pulla Avenue, Shenoy Nagar, Chennai-600 030, was dismissed by this Court by order dated 22.03.2006, making it clear that as per the latest calculation, the amount due is Rs.46,76,602/-, Without paying the above said amount all these years, the petitioner ought not to have approached this Court.

4. As against the said order, no appeal has been filed. Even today, learned counsel who takes notice on behalf of the respondents would submit that the said order has not been complied with.

5. Therefore, this Court is not inclined to entertain the present writ petition. Accordingly, the writ petition fails and the same is dismissed. No costs.

-s/d-
Assistant Registrar(CS IX)

True Copy

Sub-Assistant Registrar

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To

1. The Chairman,
TANGEDCO,
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Kilpauk Water Work Complex,
New Avadi Road, Chennai-600 010.

+1cc to Mr.P.R.Dhilip Kumar, Advocate SR.No.13515
+1cc to Mr.Tks Gandhi, Advocate SR.No.13161

सत्यमेव जयते

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SKS (CO)
GN(03/04/2017)

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