

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2017

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P. No.7856 of 2017

D. Francis

...Petitioner

Vs.

1. The Superintending Engineer,
Tamil Nadu Electricity Generation
and Distribution Corporation,
Capperquarry, Cuddalore-607004.
 2. The Junior Engineer(Grade-I), (Rural South)
Tamil Nadu Electricity Generation
and Distribution Corporation,
Panruti - 607 106.
- ...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to restore electricity supply to S.C. No. 37, Melamampattu, in old S.No. 1237, new S.No. 12/- Hec. 1.79.0 in Thiruvathigai, Panruti, Panruti Taluk, Cuddalore District.

For Petitioner : Mr.R.Gururaj

For Respondents : Mr.Varunkumar for TNEB

O R D E R

Seeking a direction to the respondents to restore electricity service connection, the petitioner has filed the present writ petition.

2. It is the case of the petitioner that though he was the original owner of 1/3rd share, he has become the owner of another 1/3rd share in old S. No. 1237 and 1238 pursuant to the final decree passed in I.A. No 387 of 2004 in O.S. No. 126 of 2000, which has become final, without any challenge.

3. According to the petitioner, the service connection originally stood in the name of his brother, who is owning 1/3rd share, got disconnected and therefore, the electricity service connection will have to be restored to S.C. No. 1237.

4. Learned Counsel appearing for the respondents would submit that the petitioner is not co-operating, as he has not produced the relevant documents. The petitioner has sought for not only re-connection, but also name transfer. The copy of the final decree has not been given by the petitioner, though it is alleged as such.

5. This court is not willing to go in to the controversy. The petitioner made a representation on 17.09.2016. Ultimately, it is for the respondents to take a decision on the name transfer and thereafter, reconnection.

6. The respondents will have to satisfy that such name transfer and reconnection are sought for only to the land for which the final decree is passed in his favour. For the aforesaid purpose, the respondents will have to hear not only the petitioner but also hear the two respondents in the suit viz., Selvam Padaiyachi (since deceased) and Periyamayagam.

7. Accordingly, a direction is issued to the respondents to dispose of the representation dated 17.09.2016, after affording a due opportunity to the petitioner as well as the 2nd defendant and the legal heirs of Selvam Padaiyachi who have been arrayed as party respondents in the final decree proceedings and thereafter take a final decision. The Entire exercise will have to be completed within a period of eight weeks from the date of receipt of a copy of the order. This writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy// सत्यमेव जयते

Sub Assistant Registrar

WEB COPY

mmi/ak
To

1. The Superintending Engineer,
Tamil Nadu Electricity Generation
and Distribution Corporation,
Capperquarry, Cuddalore-607004.

2. The Junior Engineer(Grade-I), (Rural South)
Tamil Nadu Electricity Generation
and Distribution Corporation,
Panruti - 607 106.

+1cc to Mr.R.Gururaj, Advocate Sr.43313
+1cc to Mr.Varunkumar, Advocate Sr.43846

W.P. No. 7856 of 2017

kj[co]
srg 29/06/2017



WEB COPY