

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2017

CORAM

THE HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.21100 of 2017

K. Manjula

... Petitioner

vs

1. The Executive Engineer,
(Operation & Maintenance),
Tambaram Division,
TNEB TANGEDCO
Tambaram, Chennai
2. The Assistant Engineer,
TNEB/TANGEDCO, O & M/CEDC/South,
Keelkattalai, Chennai - 600117.
3. Balakrishnan Traders,
rep by its owner S. Suresh,
S/o Subbiah Nadar
30-A, Medavakkam Main Road,
Keelkattalai, Chennai - 600 117. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 2nd respondent to disconnect the electricity service connection No.09-259-266-12 in 30A, Medavakkam Main Road, Keelkattalai, Chennai- 600 117.

For Petitioner : Mr.C. Venkatesan

For Respondents : Mr.S.K.Rameshwar

Standing Counsel for RR 1 & 2

O R D E R

The petitioner has filed the above writ petition to issue a writ of mandamus directing the 2nd respondent to disconnect the electricity service connection in the premises bearing Door No.30A, Medavakkam Main Road, Keelkattalai, Chennai- 600 117.

2.It is brought to the notice of this Court that the third respondent is the tenant under the petitioner. Earlier, a writ petition was filed by the third respondent in W.P.No.7719 of 2016 seeking for a direction to re-connect the electricity

connection to the third respondent's shop situated in the said premises. This Court, by order dated 02.03.2016, disposed of the writ petition giving liberty to the third respondent to pay the arrears of consumption charges to the first respondent therein and seek for re-connection of the electricity service connection. Thereafter, the third respondent filed a contempt petition in Contempt Petition No.1069 of 2016 to punish the second respondent therein for disobeying the order dated 02.03.2016. Subsequently, the petitioner filed an impleading application in W.P.No.7719 of 2016 and sought for recalling the order dated 02.03.2016. This Court, by order dated 27.09.2016, recalled the order passed in the writ petition on 02.03.2016 and posted the writ petition for fresh hearing. Thereafter, the third respondent withdrew the writ petition on 28.06.2017, for the reason that the respondents had re-connected the service connection to his shop.

3. Admittedly, the third respondent is enjoying the service connection provided by the respondents/TANGEDCO till today. Now, the petitioner, who is the landlord, has filed the instant writ petition seeking for a direction to the second respondent to disconnect the electricity service connection and the petitioner has also given a representation to the second respondent on 25.07.2017, which has not been considered by the second respondent.

4. Mr. S.K. Raameshwar, learned counsel, taking notice for respondents 1 and 2, submitted that the petitioner has not made out a case for disconnecting the service connection and that the second respondent may be directed to consider the petitioner's representation and pass orders in accordance with law.

5. Having regard to the submissions made by the learned counsel on either side, without expressing any opinion with regard to the merits of the case, I direct the second respondent to consider the petitioner's representation dated 25.07.2017 and pass orders in accordance with law, after giving an opportunity of hearing to the petitioner as well as to the third respondent, within a period of four (4) weeks from the date of receipt of a copy of this order.

With this direction, the writ petition is disposed of. No costs.

s/d-
Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

sra

To

1. The Executive Engineer,
(Operation & Maintenance),
Tambaram Division,
TNEB TANGEDCO
Tambaram, Chennai

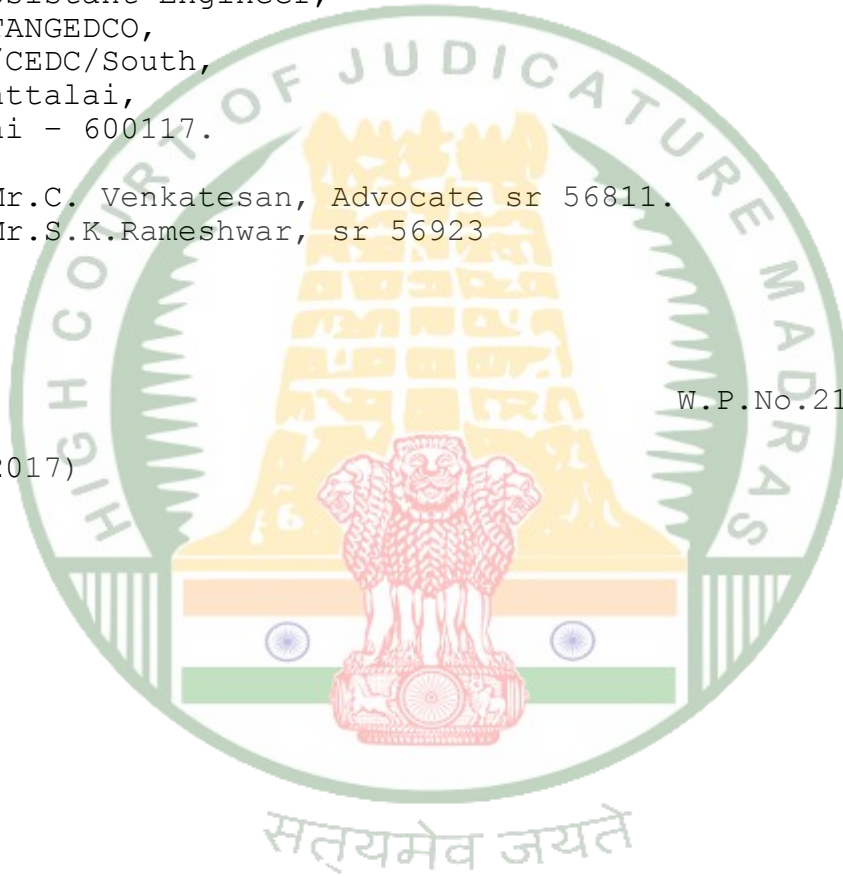
2. The Assistant Engineer,
TNEB/TANGEDCO,
O & M/CEDC/South,
Keelkattalai,
Chennai - 600117.

+1 CC to Mr.C. Venkatesan, Advocate sr 56811.

+1 CC to Mr.S.K.Rameshwar, sr 56923

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SP(22/08/2017)



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