

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.05.2017

CORAM

THE HON'BLE MR. JUSTICE K.KALYANASUNDARAM

W.P.No.12391 of 2017
and W.M.P.No.13143 of 2017

D.Durairaj

...Petitioner

Vs.

1. The Junior Engineer,
Tamil Nadu Electricity Board,
Kavanur, Walajah Taluk,
Vellore District.

2. A.Rajendran

3. C.Raja

...Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the first respondent to consider the representation given by the petitioner on 12.04.017 to not to give electricity connection to the second and third respondents at the schedule property.

For Petitioner : Mr.T.Ramachandran

For Respondents: Mr.R.Varun Kumar
Respondent for R1

O R D E R

Prayer in the Writ petition is to issue direction to the first respondent to consider the representation of the petitioner dated 12.04.2017.

2. According to the petitioner, he is an Ex-Service man retired from the Indian Army. After his retirement, he has settled at his native village namely Sambasivapuram Village, Walajah Taluk, Vellore District along with his family. The Government has allotted two acres of land in Survery No.686/2, situated at No.55, Arunkundram Village, Walajah Taluk, Vellore District in the name of his wife Mrs.D.Kamala and they are in possession of the same for the past 30 years. While so, the respondents 2 and 3 have illegally encroached a portion of the

said property. So, he lodged a complaint with the Police on 06.03.2017 and it was registered in C.S.R.No.46/2017.

3. The petitioner would further state that when the Criminal case is pending, the respondents 2 and 3 had illegally erected a shed in the occupied land and attempted to get electricity connection from the first respondent. Hence, he had given a representation on 12.04.2017 to the first respondent raising objections to give electricity service connection to the encroacher. Since no order was passed in the said representation, the present writ petition is filed.

4. Heard Mr.T.Ramachandran, learned counsel for the petitioner and Mr.R.Varun Kumar, learned Counsel for the first respondent.

5. Considering the limited prayer sought for in this writ petition, this Court, without going into the merits of the case, directs the first respondent to consider the representation of the petitioner dated 12.04.2017, after affording an opportunity of personal hearing to the petitioner and also to the second and third respondents, and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of the receipt of a copy of this order. Till then, the first respondent is directed to maintain status-quo.

6. With the above direction, the writ petition is disposed off. Consequently connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

rts

To

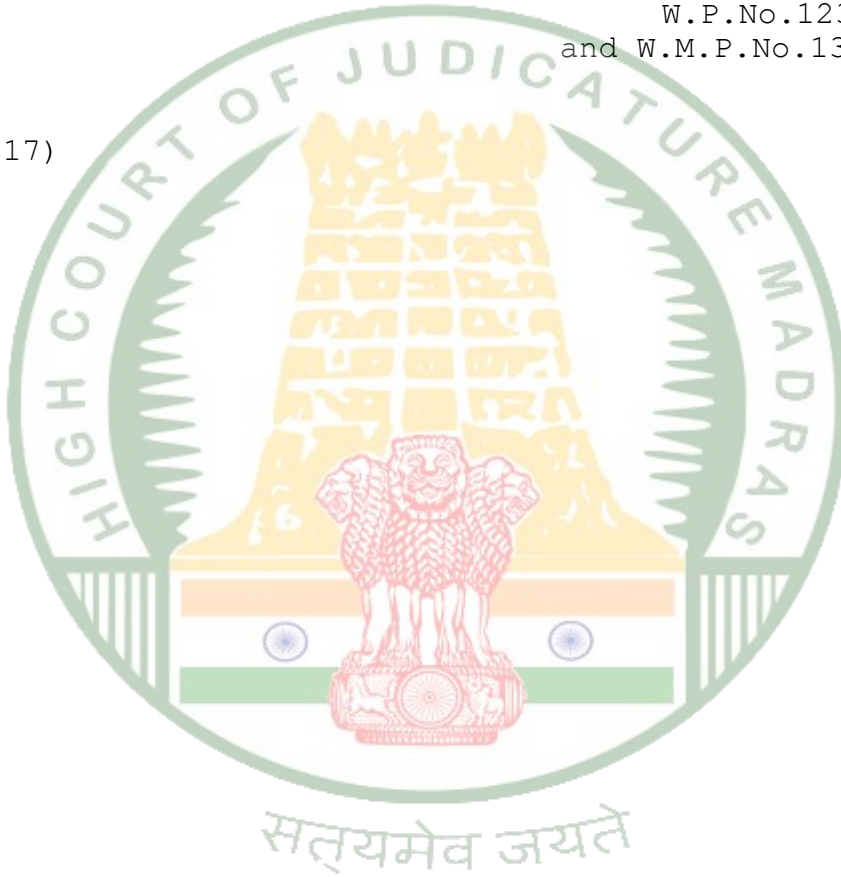
The Junior Engineer,
Tamil Nadu Electricity Board,
Kavanur, Walajah Taluk,
Vellore District.

+1cc to Mr.Varunkumar, Advocate sr.37192

+1cc to Mr.Ramachandran, Advocate sr.37233

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ss(24/5/2017)



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