

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.08.2017

CORAM

THE HON'BLE Mr. JUSTICE M.DURAISWAMY

W.P.No.22714 of 2017
and
W.M.P.No.23806 of 2017

P.Chellamuthu

... Petitioner

Vs.

1. The Executive Engineer,
Tamil Nadu Electricity Board,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Chennimalai Raod,
Kangayam - 638 701,
Tirupur District.

2. The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Muthur East,
Tirupur District.

3. Sivatthal

4. Palanisamy

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus, directing the respondents 1 and 2 to conduct an inspection in to the land and well situated in R.S.No.1198/4A at Kuttakattu Thottam, Rasathavalasu Village, Kangayam Taluk, Tirupur District and hold an enquiry based on the objections given by the petitioner in respect of granting agricultural electricity service connection to respondents 3 and 4 after considering the representation of the petitioner dated 28.07.2017 by affording an opportunity of fair hearing to the petitioner in accordance with law expeditiously within a time frame as stipulated by this Court.

For Petitioner : Mr.C.E.Pratap

For Respondent : Mr.S.K.Rameshuwar

Standing Counsel (R1 & R2)

O R D E R

Mr.S.K.Rameshuwar, learned Standing Counsel takes notice for respondents 1 and 2. By consent, the main Writ Petition is taken up for disposal at the admission stage itself.

2.The petitioner has filed the above Writ Petition to issue a writ of mandamus, directing the respondents 1 and 2 to conduct an inspection in the land and well situated in R.S.No.1198/4A at Kuttakattu Thottam, Rasathavalasu Village, Kangayam Taluk, Tirupur District and hold an enquiry based on the objections given by him in respect of granting agricultural electricity service connection to respondents 3 and 4, after considering his representation dated 28.07.2017, by affording an opportunity of fair hearing to him, in accordance with law.

3.The learned counsel appearing for the petitioner submitted that the respondents 3 and 4 have applied for agricultural electricity service connection, without obtaining the consent from the petitioner, who is the co-owner of the land. According to the petitioner, the petitioner has got 2/4th share in the lands and the respondents 3 and 4 have got 1/4th share each. In these circumstances, the petitioner has given a representation dated 28.07.2017 forbearing the respondents 1 and 2 from giving agricultural electricity service connection. Further, the learned counsel submitted that the respondents 1 and 2, without considering the petitioner's representation dated 28.07.2017 are proceeding to give electricity service connection to the respondents 3 and 4.

4.Mr.S.K.Rameshuwar, learned Standing Counsel appearing for the respondents 1 and 2 submitted that the first respondent may be directed to consider the petitioner's objections dated 28.07.2017 and pass orders in accordance with law, after giving notice to respondents 3 and 4.

5.In view of 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 first respondent to consider the petitioner's representation dated 28.07.2017 and pass orders in accordance with law, after giving notice to all the interested parties, within a period of four weeks from the date of receipt of a copy of this order.

6.With this observation, the Writ Petition is disposed of. No costs. Connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

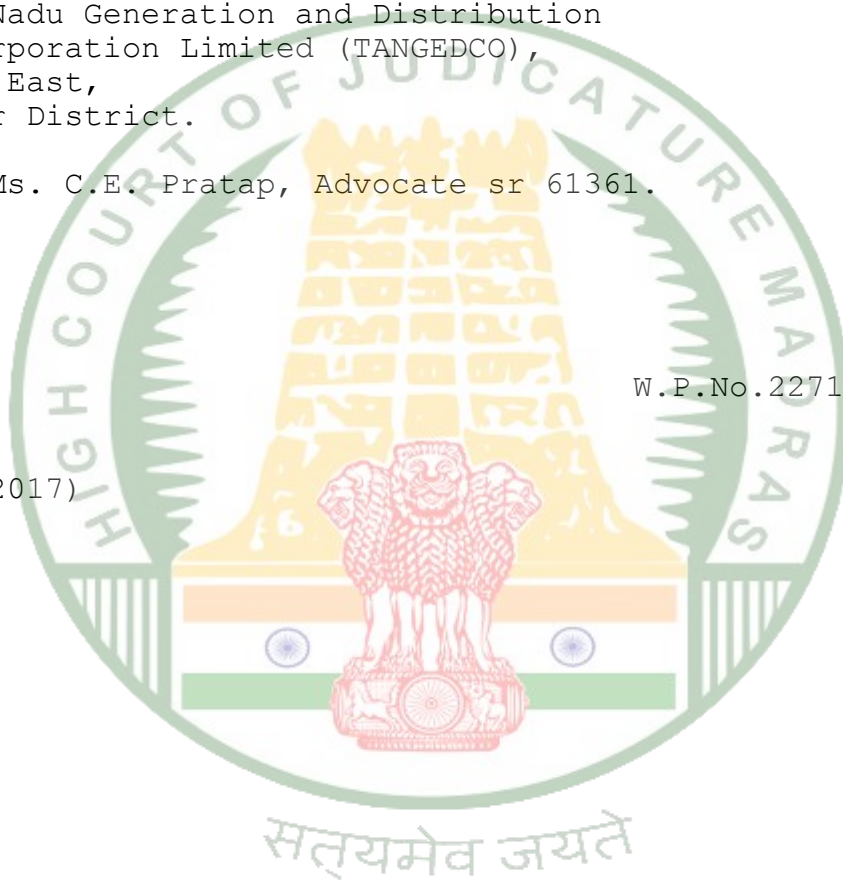
To

1. The Executive Engineer,
Tamil Nadu Electricity Board,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Chennimalai Raod,
Kangayam - 638 701,
Tirupur District.
2. The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Muthur East,
Tirupur District.

+1 CC to Ms. C.E. Pratap, Advocate sr 61361.

W.P.No.22714 of 2017

SS (CO)
sp (07/09/2017)



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