

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2017

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.No.21969 of 2015 & M.P.Nos 1 & 2 of 2015

C.Thiruvengadam

... Petitioner

v.

1. The Assistant Executive Engineer
Operations & Maintenance (O&M),
O/o. Tamil Nadu Electricity Generation
and Distribution Corp. Ltd.,
Tiruvannamalai Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Arani - 632 301.
Tiruvannamalai District.

2. Perumal

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the order of the first respondent dated 17.02.2014 in Ka.No.Oo.Se.Po/O&M/West/Arani/Va.Aa/Ko.Thani.A.No.716/2014, quash the same and consequently issue direction to the first respondent to cancel and disconnect the electricity connection given to the second respondent in agricultural electricity connection no.229-009-600 to the water well situated in Survey No.362/1E in Aliabath Village, Polur Taluk, Tiruvannamalai District.

For Petitioner : Mr.G.Magesh Kumar

For Respondents : Mr.M.Varun Kumar

(For R1)

No appearance for R2

O R D E R

The petitioner and the second respondent are the brothers. The grievance of the petitioner appears to be that the electricity service connection is effected in the name of

the second respondent without the consent of the petitioner. The order impugned has been passed on the premise that the petitioner has not submitted the documents after giving time.

2. The learned counsel appearing for the petitioner submitted that the document was given on the very same date, but, they have not been taken into consideration by the first respondent.

3. Despite notice having been served, none appears for the second respondent.

4. The fact that the petitioner is the brother of the second respondent is not in dispute. It is the case of the petitioner that consent has been obtained by forgery by the second respondent as seen from the earlier order passed by this Court in W.P.No.5371 of 2013 dated 02.01.2014. There is no finding in this regard.

5. In such view of the matter, the allegation of the petitioner that he produced the document before the first respondent is not controverted. Accordingly, the order impugned is set aside and the matter is remitted back to the first respondent for fresh consideration. The first respondent is directed to consider the representations of the petitioner after affording opportunity to the petitioner. He is further directed to pass a speaking order while giving a finding as to whether the alleged consent is forged or not. Such an exercise shall be done within a period of eight weeks from the date of receipt of a copy of this order. While doing so, it is open to the first respondent to put the second respondent on notice and hear him as well.

6. The writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

raa

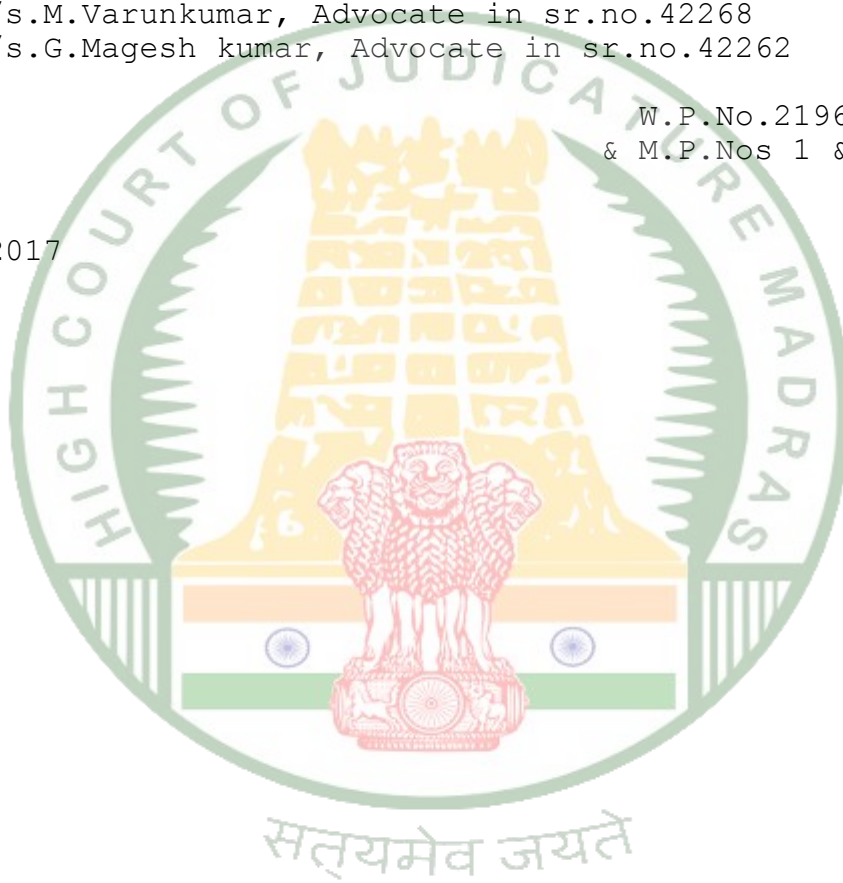
To

The Assistant Executive Engineer
Operations & Maintenance (O&M),
O/o. Tamil Nadu Electricity Generation
and Distribution Corp. Ltd.,
Tiruvannamalai Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Arani - 632 301.
Tiruvannamalai District.

+lcc to M/s.M.Varunkumar, Advocate in sr.no.42268
+lcc to M/s.G.Magesh kumar, Advocate in sr.no.42262

W.P.No.21969 of 2015
& M.P.Nos 1 & 2 of 2015

NRI (CO)
NR 30/06/2017



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