

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.06.2017

CORAM

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

W.P.Nos.41021 & 41022 of 2016
and W.M.P.Nos.35030 & 35031 of 2016

Mr.V.C.Muthusamy

... Petitioner in both the WPs

Vs.

1. The Secretary to Government,
Energy Department,
Fort St.George,
Chennai, TamilNadu.
2. The Chairman,
The Tamil Nadu Generation and Distribution Corporation
TANGEDCO,
Anna Salai, Chennai.
3. The Assistant Executive Engineer,
O&M, The Tamil Nadu Generation and Distribution Corporation
TANGEDCO/SOUTH
Vellakovil, Tirupur District.
4. The Assistant Engineer,
Town,
The Tamil Nadu Generation and Distribution Corporation
TANGEDCO
Vellakovil.

... Respondents in both the WPs

Prayer in W.P.No.41021 of 2016: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari Mandamus, calling for the records comprised in Ka.No:OoMePo/Na/Vae.Ko/Ko.Kattu/No:74/16-17 dated 21.09.2016 on the file of the 4th respondent and quash the same and consequently direct the 4th respondent to transfer the existing service connection No:086-004-0729 being used at Door No:285, Muthur Road, Vellakoil, Kangayam taluk, Tirupur District to Vikrant Textiles situated at SF No:27/1B, Valliyarachal Road, Vellakoil, Kangayam taluk, Tirupur District.

Prayer in W.P.No.41022 of 2016: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari Mandamus, calling for the records comprised

in Ka.No:OoMePo/Na/Vae.Ko/Ko.Kattu/No:73/16-17 dated 21.09.2016 on the file of the 4th respondent and quash the same and consequently direct the 4th respondent to transfer the existing service connection No:030860040773 being used at Door No:284, Muthur Road, Vellakoil, Kangayam taluk, Tirupur District to the premises situated at SF No:27/1C, Valliyarachal Road, Vellakoil, Kangayam taluk, Tirupur District.

For Petitioner : Mr.Bharanidharan
in both the WPs for Mr.V.Balamurugane

For Respondent 1 : Mr.R.A.S.Senthilvel
Additional Government Pleader
in both the WPs

For Respondent 2 to 4 : Mr.S.K.Rameshwar
in both the WPs

COMMON ORDER

The subject matter of these writ petitions is a sequence to the subject matter of the earlier writ petitions pending in W.P.Nos.21970 and 21971 of 2015 in which, orders of demand have been made. In those writ petitions, conditional order was passed which has been complied with by the petitioner, Now the present impugned orders have been passed on the ground that the request of the petitioner for transfer of service connection, which is the subject matter of the earlier writ petitions, referred supra, can only be considered on payment of the remaining amount, which is also the subject matter of the writ petitions in W.P.Nos.21970 and 21971 of 2015.

2.The learned Counsel appearing for the petitioner would submit that the conditional order having been complied with, it cannot be insisted that until and unless the payment has been made, the request for transfer cannot be considered.

3. The learned Counsel appearing for respondents 2 to 4 would submit that unless the payment as demanded being the subject matter of these writ petitions in W.P.Nos.21970 and 21971 of 2015 is made fully, the request made for transfer is not feasible for consideration.

4. The demands made are stayed, though on terms. The petitioner has complied with the conditional order, under those circumstances the 4th Respondent ought to have considered the request of the petitioner for transfer. What the petitioner now wants is transfer of service connection standing in his own name from the rental premises to his own. In such view of the matter, this Court is of the view that, the orders impugned

cannot be sustained. Accordingly, the impuned orders have been set aside and consequently, the 4th respondent directed to effect the service connection to the premises of the petitioner within a period of eight weeks from the date of receipt of a copy of this order.

5.It is made clear that the order passed cannot have any bearing on the writ petitions in W.P.Nos.21970 and 21971 of 2015.

6.With the above directions, the writ petitions stand disposed of, No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Energy Department,
Fort St.George,
Chennai, TamilNadu.
2. The Chairman,
The Tamil Nadu Generation and Distribution Corporation
TANGEDCO,
Anna Salai, Chennai.
3. The Assistant Executive Engineer,
O&M, The Tamil Nadu Generation and Distribution Corporation
TANGEDCO/SOUTH
Vellakovil, Tirupur District.
4. The Assistant Engineer,
Town,
The Tamil Nadu Generation and Distribution Corporation
TANGEDCO, Vellakovil.

+1cc to Mr.V.BalamuruganeS., Advocate, S.R.No.45261

+1cc to Mr.K.Rameshwar , Advocate, S.R.No.45116

+1cc to the Government Pleader, S.R.No.45748

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GJ II(CO)
CA(25/07/2017)