

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2017

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

WRIT PETITION No.42069 of 2016

K.Kasi Viswanathan

... Petitioner

Vs.

1. The Superintending Engineer,
TANGEDCO,
Erode District.
 2. The Executive Engineer,
Urban/Erode Electricity Distribution Circle,
EVN Road, TNEB Complex, Erode.
 3. The Juior Engineer,
Operation maintenance/Town,
TANGEDCO (TNEB), Erode.
 4. G.K.Palanisamy
 5. The Chairman,
TANGEDCO,
Chennai, Tamil Nadu.
- ...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India to issue a writ of mandamus to direct the third respondent herein to reconsider the representation made by the petitioner dated 18.05.2016 and to direct the second respondent to consider representation dated 13.06.2016 in accordance with law.

For Petitioner : Mr.M.Arunachalam

For Respondents : Mr.S.K.Rameshuwar for R1 to R3 & R5
Mr.A.Thiyagarajan for R4

ORDER

This writ petition appears to be an extension of property dispute, which the petitioner seeks to initiate against the first respondent. The petitioner is the brother's son of one Mr.N.Ramasamy. There was a dispute between the said Ramasamy and the father of the petitioner N.Krishnan, which was settled through arbitration in O.S.No.478 of 1989. Thereafter, the

said Ramasamy nominated his wife as his legal heir. He also authorized one Mr.M.Ganesan, who is incidentally the son of his another brother Murugesan to perform his last rites. Similarly, one Mr.M.Ravi, who is another son of his brother Murugesan, was asked to perform the last rites of his wife. After the demise of Mr.N.Ramasamy, his wife parted away the property in favour of the fourth respondent.

2. Thereafter, the name transfer was effected in the name of the fourth respondent on 20.05.2015. On 04.05.2016, the fourth respondent gave application for shifting the meter board. However, the energy meters and main switches are kept under lock and key by the petitioner. The petitioner made an objection through the Counsel, claiming title to the property. However, he did not produce any document except the legal heirship certificate which prima facie did not give any title in his favour. Despite the extension of time granted, the petitioner did not produce any document.

3. Thereafter, the application made by the fourth respondent was rejected on 15.04.2016 after duly informing the petitioner on 14.06.2016 that he has not submitted any documents and therefore, his objection cannot be considered. A further representation was made by him thereafter inter alia alleging among other things that the proposed line should not be allowed to go on over a common property. As there was serious objection from the petitioner, police protection was given and the line was drawn. However, it was not energized due to the obstruction of the petitioner.

4. The facts narrated above would speak for themselves. Learned counsel appearing for the petitioner seeks to project as if the petitioner's grievance is only with respect to the possible threat. The counter affidavit filed by the first respondent would belie the said apprehension. It appears to be a case of Civil right being agitated in to a request for service connection made at the instance of the fourth respondent. Therefore, this Court is not willing to exercise its discretionary jurisdiction in the case on hand.

5. Accordingly, this writ petition stands dismissed. However, if the petitioner is able to get a declaration in his favour by acquiring title, this order will not stand in his way of approaching respondents 1 to 3, and get appropriate remedy. Considering the fact that the service connection is yet to be

given, respondents 1 to 3 are directed to effect service connection. Respondents 1 to 3 shall also make sure that the service connection does not cause any inconvenience to any third party including the petitioner. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Superintending Engineer,
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Erode District.
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 3. The Juior Engineer,
Operation maintenance/Town,
TANGEDCO (TNEB), Erode.
 4. The Chairman,
TANGEDCO,
Chennai, Tamil Nadu.
- +1 CC to Mr.S.K.Rameshuwar, Advocate sr 23705
+1 Cc to Mr.A.Thiyagarajan, sr 22979

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