



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P (MD) No.23437 of 2017

WEB COPY

M.Seenivasagan @ Seenivasan

.. Petitioner

Vs.

1.The Executive Engineer,
Tamil Nadu Electricity Generation
and Distribution Corporation,
Thirumangalam, Madurai District.

2.The Assistant Executive Engineer,
Tamil Nadu Electricity Generation
and Distribution Corporation,
Thirumangalam, Madurai District.

3.The Assistant Engineer,
Tamil Nadu Electricity Generation
and Distribution Corporation,
Kallikudi, Thirumangalam Taluk,
Madurai District.

4.K.Radhakrishnan

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the third respondent to provide the petitioner an opportunity of personal hearing in the enquiry based on petitioner's representation, dated 04.09.2017 and the follow up representation, dated 12.12.2017, sent to the respondents 1 to 3 for making objection to provide electricity connection in the disputed building constructed in the Survey No.155/2D, Peikulam Village, Kallikudi Sub Division, Thirumangalam Taluk, Madurai District.

For Petitioner

: Mr.I.Suthakaran

For Respondents 1 to 3

: Mr.E.P.Venkateshwar
for Mr.S.M.S.Johnny Basha
R.4 - Dispensed with.

ORDER

This writ petition is filed seeking a writ of Mandamus to direct the third respondent, to provide an opportunity of personal hearing, to the petitioner, in the enquiry, with regard to the grant of electricity service connection to the disputed building constructed in Survey No.155/2D, Peikulam Village, Kallikudi Sub



Division, Thirumangalam Taluk, Madurai District, based on the petitioner's representations, dated 04.09.2017 and 12.12.2017.

2.Mr.E.P.Venkateshwar, learned counsel representing Mr.S.M.S.Johnny Basha, takes notice for the respondents 1 to 3. In view of the nature of the relief sought for by the petitioner, notice to the fourth respondent is dispensed with.

3.By consent of both the parties, this writ petition is taken up for final hearing at the stage of admission itself.

4.Heard both sides.

5.The case of the petitioner is that the fourth respondent, who is a adjacent land owner of the petitioner, encroached a portion of his land and constructed a house, ignoring the pendency of the civil suit. Therefore, the petitioner made representations, dated 04.09.2017 and 12.12.2017, to the respondents 1 to 3, seeking not to provide electricity service connection to the fourth respondent and also provide an opportunity of personal hearing, to the petitioner, in the enquiry, with regard to the grant of electricity service connection. Since, the same have not been considered so far, the petitioner is before this Court.

6.The learned counsel for the petitioner would submit that it would be suffice, if the representations of the petitioner, dated 04.09.2017 and 12.12.2017, are directed to be disposed of by the third respondent, as per law.

7.Considering the limited scope of the relief sought for, this Court, without going into the merits of the petitioner's claim, directs the third respondent to consider the representations of the petitioner, dated 04.09.2017 and 12.12.2017, and pass appropriate orders on its own merit and in accordance with law, after affording due opportunity of hearing to the petitioner as well as all the interested parties including the fourth respondent, within a period of six weeks from the date of receipt of a copy of this order.

8.The writ petition is disposed of as above. No costs.

Sd/-

Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To

1.The Executive Engineer,
Tamil Nadu Electricity Generation
and Distribution Corporation,
Thirumangalam, Madurai District.



2.The Assistant Executive Engineer,
Tamil Nadu Electricity Generation
and Distribution Corporation,
Thirumangalam, Madurai District.

3.The Assistant Engineer,
Tamil Nadu Electricity Generation
and Distribution Corporation,
Kallikudi, Thirumangalam Taluk,
Madurai District.

+1cc to Mr.I.SUTHAKARAN,Advocate,SR. 93911

W.P (MD) No.23437 of 2017
20.12.2017

SMN
KK/GT/SAR 1/05.01.2018/ 3P- 5C/