



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2017

CORAM

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD).No.7850 of 2017

R.Raghu

.. Petitioner

Vs.

1.The Executive Engineer,
Tamilnadu Electricity Board,
Kariapatti North,
Virudhunagar Electricity Distribution Circle,
Kariapatti,
Virudhunagar District.

2.The Assistant Engineer,
Tamilnadu Electricity Board,
Kariapatti North,
Virudhunagar Electricity Distribution Circle,
Kariapatti,
Virudhunagar District-626 106.

3. A.Jeyakumar

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 & 2 to restore the electricity connection bearing SC.No.07-215-033-570 SC.No.07-215-033-388 for the land & building comprised in S.No.1/2L2, Krishnapuram, Tharaganenthall Village, Kariyapatti, Virudhunagar District, on the representation of the petitioner dated 12.04.2017 within a time frame as may be fixed by this Court.

For Petitioner : Mr.M.Ponniah

For Respondents : Mr.G.Kasinathadurai

Standing Counsel for TNEB

O R D E R

This Writ petition has been filed by the petitioner, directing the respondents 1 & 2 to restore the electricity connection bearing SC.No.07-215-033-570 SC.No.07-215-033-388 for the land & building comprised in S.No.1/2L2, Krishnapuram, Tharaganenthall Village, Kariyapatti, Virudhunagar District, on the representation of the petitioner dated 12.04.2017 within a time frame as may be fixed by this Court.



2. Heard the learned Counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

3. It is alleged by the petitioner that he was the original owner of the property in survey S.No.1/2L2, Krishnapuram, Tharaganenthal Village, Kariyapatti, Virudhunagar District. It is the further case of the petitioner that he has constructed a building for his residential purpose and also for the purpose of factory established by him. It is the definite case of the petitioner that the third respondent has entered into a sale agreement with the petitioner and subsequently got a sale deed without paying the entire sale consideration and that there is a dispute with regard to this issue which is the subject matter of Suit in O.S.No.95 of 2014 on the file of the Aruppukottai Sub-Court. It is further stated that though the petitioner is residing in the premises the electricity service connection, which was standing in the name of the petitioner was subsequently changed in the name of third respondent pursuant to the sale deed. According to the petitioner, the third respondent is not in possession of the property. The case of the petitioner is that the third respondent has made a request to the electricity department to disconnect the service connection and that the service connection has been disconnected.

4. On coming to know about the representation of the third respondent for disconnection, the petitioner submits that he has given a representation to the second respondent raising serious objection to the request of the third respondent to disconnect the electricity service connection. However, it is admitted by the learned Counsel for the petitioner that the electricity service connection has already been disconnected.

5. In the above circumstances the petitioner has made a representation on 12.04.2014 seeking restoration of electricity service connection on the ground that he is in lawful possession of the property and that the third respondent managed to get disconnection by producing the sale deed and suppressing the petitioner's enjoyment.

6. Having regard to the facts narrated above, without expressing any opinion on the merits of the petitioner's case, this Court is inclined to pass the following direction:

"The second respondent is directed to consider the petitioner's representation dated 12.01.2017 after hearing third respondent or any other person interested in connection with the issue purely on merits and pass appropriate orders and take appropriate action within a period of six weeks from the date of receipt of a copy of this order."



7. Accordingly, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

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Sub Assistant Registrar.

+1CC to M/S.M.Ponniah, Advocate, SR.No. 54022

+1CC to M/S.G.Kasinathadurai, Advocate, SR.No.54491

ORDER MADE IN
W.P. (MD) .No.7850 of 2017
26.04.2017

TA/SM

AM/MR/17.05.2017/3P/3C