



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.01.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

WEB COPY

W.P.(MD)No.11353 of 2013
and M.P.(MD) Nos.1 of 2013

Selvaraj

... Petitioner

Vs.

1.The Superintending Engineer,
Tamilnadu Generation of Electricity and
Distribution Corporation,
Ramanathapuram.

2.The Assistant Electrical Engineer,
Urban/North,
Ramanathapuram.

3.Sridharan
(Impleaded as 3rd respondent as per
the order of this Court dated
04.01.2017 made in M.P.(MD) No.2
of 2013)

... Respondents

PRAYER: This Writ Petition is filed under Article 226 of the
Constitution of India to issue a Writ of Certiorari, calling for the
records of the 2nd respondent in
L.No.AE/Town/N/Rama/Division.Cons/AA.160 dated 04.07.2013 and to
quash the same as illegal.

For Petitioner :Mr.S.,Muthukrishnan
For Respondents 1 & 2 :Mr.S.M.S.Johnny Basha
For 3rd Respondent :Mr.V.Sitharanjandas

O R D E R

The prayer in the writ petition is for a Writ of Certiorari,
calling for the records of the 2nd respondent in
L.No.AE/Town/N/Rama/Division.Cons/AA.160 dated 04.07.2013, and to
quash the same.

2.The petitioner has challenged the impugned order of the 2nd
respondent dated 04.07.2013. In the said impugned order, the
electricity service connection given in the following service
connection numbers were directed to be disconnected:

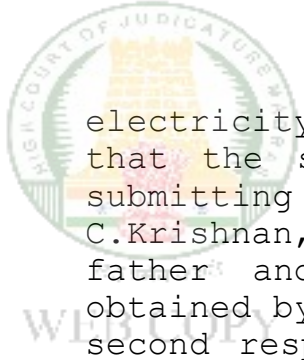
(I) 302-008-1037

(ii) 302-008-1034

(iii) 302-008-1101.

<https://hcservices.ecourts.gov.in/hcservices/>

The reason given for the said impugned order for disconnection of



electricity service connection, according to the 2nd respondent, is that the service connections were obtained by the petitioner by submitting his applications in the name of his father and one C.Krishnan, who are dead persons. By forging the signatures of his father and the said C.Krishnan, the service connections were obtained by the petitioner. Therefore, after detecting the same, the second respondent has come forward to disconnect the said service connection.

3.The learned counsel appearing for the petitioner would contend that his father one Late Angusammy died on 02.01.2008. When he was alive, the property wherein the said service connections given were taken on lease by his late father and he has constructed some dwelling houses and each of the houses separate service connections were sought for. It is asserted by the learned counsel for the petitioner that for separate houses constructed by his late father applications were given by him on his name only and according to the petitioner no application was given by him in the name of his father or the said C.Krishnan.

4.The petitioner has filed a petition in M.P.(MD) No.2 of 2013 to implead one Sridharan, who claims to be the grand-son of one Subramania Pillai, who according to the said Sridharan, was the original owner of the land, which is said to have been leased out to the late father of the petitioner. Therefore, in order to agitate the issue effectively, the said impleading petition filed to implead the said Sridharan as one of the party respondent herein, since has been allowed today, he has been impleaded as third respondent in the writ petition.

5.The said third respondent has filed a typed set of papers, wherein he has produced copy of the applications said to have been submitted by the petitioner in the name of his Late father S.Angusammy and the said C.Krishnan. The said copies of the applications form part of the typed set filed by the third respondent. According to the said documents, applications were filed seeking for electricity connections and according to the dates mentioned in the seal affixed by the respondent office, the said applications were filed on 30.12.2010. However, in the bottom of the applications the date was mentioned as 19.04.2011. At least in four places in each application, the signatures of S.Angusamy or C.Krishnan are found, as if the said applications have been made by the said S.Angusamy or C.Krishnan.

6.It is the definite case of the respondent TANGEDCO that electricity service connection for the said four services had been given pursuant to these applications submitted in the name of S.Angusamy and C.Krishnan. Admittedly, the said Angusamy died on 02.01.2008 and according to the respondents C.Krishnan also died. Though both the applicants have died already, in their names applications have been made and electricity service connections had been fraudulently obtained.



7. According to the learned Standing Counsel appearing for the respondents 1 and 2, the said applications have been submitted by the petitioner not in his name, but in the name of his father and also in the name of C. Krishnan, who are no more, by fraudulently submitting the applications in the name of the dead persons forgedly signing their name and obtained the service connections. This factor was detected only after the receipt of the petition from the third respondent on 27.09.2012 and thereafter, the second respondent has passed the impugned order on 04.07.2013, ordering disconnection of the said service connections standing in the name of dead persons, as the same were fraudulently obtained by the petitioner by submitting applications in the name of dead persons.

8. This Court by order dated 17.07.2013, directed the respondents 1 and 2 not to disconnect the electricity connection till 02.08.2013 and also directed the petitioner to file impleading petition to implead Sridharan. As per the said order, the impleading petition has been filed and the same has been ordered today.

9. On seeing these documents filed by the parties, this Court is of the view that something went wrong somewhere as the applications now produced by the third respondent by way of typed set of documents clearly show that the applications were submitted in the name of dead persons. However, the learned counsel appearing for the petitioner would contend that the petitioner has not submitted any application in the name of dead persons, including the name of his dead father. If that being so, on what basis service connections were given to the petitioner, which are sought to be disconnected by the impugned order of the second respondent, and whether any other applications were filed apart from the applications which were produced by the third respondent, which according to the learned counsel for the third respondent obtained under Right to Information Act, are to be found out. If no such applications were filed by the petitioner and if the service connections were given only pursuant to the applications made in the name of S. Angusamy and S. Krishnan, both are dead persons, then certainly this matter has to be investigated by the police department.

10. Therefore, this Court passes the following order:

(i) Since the impugned order directing disconnection of service connections, four in numbers, of the petitioner stands in the name of two dead persons and such service connections were also obtained by fraudulent and forged applications, this Court does not want to interfere in the impugned order.

(ii) However, this Court in view of the aforesaid facts directs the respondents 1 and 2 to refer the matter, by giving an appropriate complaint, to the concerned police station or police authority, for the alleged offences said to have been committed either by the petitioner or by any other persons involved in such crime by making applications in the name of dead persons, within two

weeks from the date of receipt of a copy of this order.

(iii) While making reference to the police, respondents 1 and 2 also shall make complaint against the persons worked in the department, who were responsible for giving service connections without verifying with the persons identity in whose name the applications have been made.

(iv) Apart from the aforesaid action, the Head, Incharge of Personnal Department of the TANGEDCO is also directed to take appropriate disciplinary action against the officials of their department, who also might have been instrumental for giving such service connections without verifying the applications made fraudulently or forgedly.

11. With these directions, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is also dismissed.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1. The Superintending Engineer,
Tamilnadu Generation of Electricity and
Distribution Corporation,
Ramanathapuram.

2. The Assistant Electrical Engineer,
Urban/North,
Ramanathapuram.

+1cc to Mr.V.Sitharanjandas, Advocate Sr.No.601
+1cc to Mr.S.M.S.Johnny Basha, Advocate Sr.No.939
+1CC to M/S.S.MUTHUKRISHNAN, ADVOCATE SR.No. 638

W.P. (MD) No.11353 of 2013
and M.P. (MD) Nos.1 of 2013
04.01.2017

sj
um/ss2-ksm/23.01.2017/4p/6c