

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.Nos.3435 & 3438 of 2018

and

WMP.Nos.4202 & 4207 of 2018

A.Lakshmi

.. Petitioner
(in WP.No.3435 of 2018)

Sriram Naidu

... Petitioner
(in WP.No.3438 of 2018)

Vs.

1.The District Collector
Office of the District Collector
Thiruvallur District.

2.The Tahsildar
Ponneri
Thiruvallur District.

3.The Assistant Executive Engineer
Tamil Nadu Electricity Board
Redhills
Chennai-600 052.

... Respondents
(in WP.Nos.3435 & 3438 of 2018)

Writ petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the electricity disconnection notice bearing No.605/17-18 dated 06.02.2018 issued by the third respondent and quash the same as arbitrary and violative of provisions of Electricity Act, 2003 and consequentially direct the second respondent to recall the letter bearing No.Na.Ka.05/2018/a1 dated 30.01.2018 issued to the third respondent.

For Petitioner : Mr.A.Michael
(in WP.Nos.3435 & 3438 of 2018)

For Respondents : Mr.R.Govindasamy
Special Government Pleader
for R1 & R2
Mr.P.R.Dilipkumar
standing counsel for R3
(in WP.Nos.3435 & 3438 of 2018)

C O M M O N O R D E R

Mr.R.Govindasamy, learned Special Government Pleader takes notice for the respondents 1 and 2. Mr.P.R.Dilipkumar, learned standing counsel takes notice for R3. By consent of the parties, these writ petitions are taken up for final disposal at the admission stage themselves.

2. In both these writ petitions, the respective writ petitioners are aggrieved against the communication dated 06.02.2018, issued by the third respondent, threatening to disconnect the electricity supply to the Bore well situated in the respective petitioner's property, if no consent letter from the Government is obtained and produced within a period of 3 days.

3. The learned counsel for the petitioners submitted that the very impugned proceedings were passed without hearing the petitioners and ascertaining the actual state of affairs. Therefore, he contended that it violates the principles of natural justice. Apart from saying so, the learned counsel further submitted that the petitioners are not drawing water from the Bore well for any commercial purpose and on the other hand, they use it only for the agricultural purpose in their lands. Therefore, the allegations made in the impugned proceedings, that too, based on some vague complaint made by a private individual are not factually correct. The learned counsel further submitted that on receipt of such impugned communication, the petitioners have made a representation to the first respondent on 10.02.2018, explaining in detail as to how the impugned proceedings are factually erroneous.

4. Perusal of the impugned proceedings clearly indicate that the same appears to have been issued in violation of principles of natural justice. Moreover, it is stated by the petitioners that they are not using the water from the Bore well for commercial purpose and on the other hand, they are using it only for agricultural purpose. All these factual aspects are to be considered and decided by the first respondent, after asking his officials to conduct field inspection and get a report therein. Accordingly, these writ petitions are disposed of, by directing the first respondent to consider the representation of the petitioners dated 10.02.2018 and pass fresh order on the same, on merits and in accordance with law, after giving an opportunity of hearing to the petitioners. The first respondent shall pass such an order within a period of six weeks from the date of receipt of a copy of this order. Till such time, the

third respondent shall keep the impugned order in abeyance. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector
Office of the District Collector
Thiruvallur District.

2.The Tahsildar
Ponneri
Thiruvallur District.

3.The Assistant Executive Engineer
Tamil Nadu Electricity Board
Redhills
Chennai-600 052.

+2 ccs to M/s.J.N.Nareshkumar Advocate sr 12468,
12467

+1 cc to Govt Pleader sr 12481, 12482

W.P.Nos.3435 & 3438 of 2018

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