

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 17.04.2018
CORAM

THE HONOURABLE Mr.JUSTICE T.RAJA

W.P.No.9397 of 2018
and W.M.P.No.11203 of 2018

D.Loganathan

... Petitioner

Vs

1.The District Electrical Engineer,
D&M/Rural North Arakkonam,
TANGEDCO,
Vellore Electricity Distribution Circle,
Arakkonam,
Vellore District.

2.T.G.Arumugam

... Respondents

Prayer: Writ Petition filed under Article 226 of The Constitution of India seeking for issuance of Writ of Mandamus forbearing the 1st respondent from disconnecting the petitioner's agricultural service connection bearing S.C.No.285 002 63/IV Kizhanthur Village, Arakkonam Taluk, Vellore District and to direct the 1st respondent to consider and pass order on the petitioner's representation dated 20.11.2017.

For Petitioner : Mr.G.Jeremiah
For Respondents : Mr.M.Varun Kumar,
Standing Counsel for R1

O R D E R

This Writ Petition has been filed by Mr.D.Loganathan seeking a Writ of Mandamus forbearing the 1st respondent from disconnecting his agricultural electricity service connection bearing S.C.No.285 002 63/IV with further direction to the 1st respondent to consider his representation dated 20.11.2017 on merits.

2.The petitioner claims ownership of the following agricultural lands together with agricultural electricity service connection bearing S.C.No.285 002 63/IV.

Sl.No.	Survey No.	Extent
1.	177.1	0.52
2.	177.4	0.32
3.	177.5B	0.90
4.	176	1/5 th share in the well
5.	176	0.2½
6.	H.P.Motor pump set and E.B. Deposit of Rs.2,000/-	

He also claims 1/5th share in the well comprised in survey No.176, Kizhanthur Village, as he has purchased under the Sale Deed bearing document No.2115/1995 dated 27.12.1995.

3.Learned counsel for the petitioner also submits that while purchasing the aforementioned land, the agricultural service connection in S.C.No.285 002 63/IV with 3HP motor that stood in the name of the vendor's father Mr.Murugesu Reddy was also purchased by the petitioner under the very same sale deed. Since the petitioner's father had purchased under the registered sale deed, his 1/5th share in the very same well comprised in survey No.176, after his death, the petitioner became owner to the extent of 2/5th share on the well and he has been enjoying S.C.No.285 002 63/IV uninterruptedly, for the past 22 years. In the meanwhile, the petitioner also filed a civil suit in O.S.No.118 of 2011, for a mandatory injunction against the 2nd respondent and the same is pending on the file of the learned District Munsif, Arakkonam. In view of the pendency of the said civil suit, the 2nd respondent also instigated the 1st respondent to disconnect the electricity service connection and in view of the complaint given by the 2nd respondent, the 1st respondent is going to take coercive steps against the petitioner, which would cause huge prejudice to the standing crops cultivated by the petitioner in his land.

4.Mr.M.Varun Kumar, learned Standing Counsel for the Electricity Department/R1 submitted that notice has been sent to the petitioner and 2nd respondent, inviting them to take part in the enquiry. The 1st respondent has not disconnected the electricity service connection and he will do so, only after conducting proper enquiry.

5.The said statement is recorded. Since the enquiry is pending, learned counsel for the petitioner requested this Court to direct the 1st respondent to complete the enquiry expeditiously.

6.As I find some force in the submission that the 1st respondent has issued notice to both the parties to take part in the enquiry, the 1st respondent is directed to complete the enquiry within a period of four weeks from the date of receipt of a copy of this order.

The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To
The District Electrical Engineer,
D&M/Rural North Arakkonam,
TANGEDCO,
Vellore Electricity Distribution Circle,
Arakkonam,
Vellore District.

+lcc to M/s.G.Jeremiah, Advocate Sr.No.28586
+lcc to Mr.M.Varunkumar, Advocate Sr.No.28992

SSV(CO)
sm:4.5.2018

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