

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:10.01.2018

CORAM

THE HONOURABLE MR.JUSTICE RAVICHANDRABAABU

W.P.No.567 of 2018
and W.M.P.No.699 of 2018

B.Noorjahan

... Petitioner

vs.

1. The Superintendent Engineer,
TANGEDCO
Mount Road,
Chennai - 600 002.

2. The Assistant Engineer,
TANGEDCO,
Krishnamurthy Nagar,
Chennai - 600 118.

3. Chelliah Charles

4. Paul Jayaprakash Duraisamy Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus forbearing the 2nd respondent from calling upon the petitioner for enquiry based upon the false and frivolous and unfounded complaint given by the 4th respondent.

सत्यमेव जयते

For Petitioner : Mr.M.A.Md.Noorullah

For Respondents : Mr.P.R.Dilip Kumar,
Standing Counsel for R1 and R2

O R D E R

Mr.P.R.Dilip Kumar, learned Standing Counsel takes notice for the 1st and 2nd respondents and by consent of the parties, the main writ petition itself is taken up for final disposal.

2. The petitioner seeks for a mandamus forbearing the 2nd respondent from calling upon the petitioner for any enquiry based on the complaint given by the 4th respondent, which according to the petitioner, is false and frivolous.

3. Heard both sides.

4. It is seen that the 4th respondent has given a complaint before the 2nd respondent as if he is in possession and enjoyment of the subject matter property, for which, the electricity connection was given. The claim of the petitioner is that the said person namely, the 4th respondent is not the owner and he is also not residing in the said premises.

5. All these contentions can be raised before the 2nd respondent in an enquiry to be conducted in pursuant to the notice issued on 11.10.2017. Therefore, the petitioner cannot prevent the 2nd respondent from enquiring into the matter, especially, when the 4th respondent has made certain allegations by way of complaint against the petitioner. Therefore, I do not think that the petitioner is entitled to the present relief as sought for in this writ petition since it is preemptive in nature, which in my considered view, cannot be entertained. Accordingly, the writ petition is disposed of, by granting liberty to the petitioner to agitate the matter before the 2nd respondent by placing all the material facts. Accordingly, the 2nd respondent will enquiry into the matter and pass orders on merits and in accordance with law after giving due opportunity of hearing to the petitioner as well as the 4th respondent. Such exercise shall be done by the 4th respondent within a period of three weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent Engineer,
TANGEDCO
Mount Road,
Chennai - 600 002.

2. The Assistant Engineer,
TANGEDCO,
Krishnamurthy Nagar,
Chennai - 600 118..

+1cc to Mr.Md.Noorullah, Advocate Sr.No.2772

+1cc to Mr.P.R.Dhilip Kumar, Advocate Sr.No.2702

sm:25.1.2018

W.P.No.567 of 2018



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