

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2018

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.No.23617 of 2016

K.Amsaveni

... Petitioner

Vs

1.The Executive Engineer
C&D, Tamil Nadu Generation And
Distribution Corporation Limited (TANGEDCO)
Palacode, Dharmapuri District.

2.The Assistant Executive Engineer
C&D, Tamil Nadu Generation And
Distribution Corporation Limited (TANGEDCO)
Karimangalam, Dharmapuri District.

3.The Assistant Engineer
C&D/Town/Tamil Nadu Generation And
Distribution Corporation Limited (TANGEDCO)
Karimangalam, Dharmapuri District-635 111.

4.K.Asaimani

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records from the 3rd respondent relating to the impugned order passed by him in his proceeding in L.No.AE/C&E/TOWN/KARIMANGALAM/DIVISION.Doc/D.193/16, dt.13.6.2016, and quash the same.

For Petitioner : Mr.J.Prakasam

For Respondents: Mr.M.Varun Kumar
Standing Counsel for
Tamil Nadu Electricity Board for R1 to R3

: Mr.R.Bharath Kumar for R4

O R D E R

The order dated 13.06.2016, directing the writ petitioner to submit the documents, if any, in relation to passing of an order by the Court, is under challenge in this writ petition.

2. The petitioner states that she owns an agricultural land situated at Dharmapuri Registration District, Karimangalam Sub-Registration District, Palacode Taluk, Begara Halli Village in S.No.222/1. Dry, Extent 0.46 Hectare, S.No.222/4A-1, Dry, Extent 0.11.5 Hectares and including well in the said land and S.No.222/4A-2, Dry, Extent 0.65.5 Hectares within this total extent only an extent of 0.57 cents and total extent of 2 acres. The said land is in possession and enjoyment of the writ petitioner.

3. The grievance of the writ petitioner is that she is warned that the electricity power connection provided to the writ petitioner in the said premises, is to be disconnected. In this regard, there is an objection from the 4th respondent, stating that the 4th respondent is the owner of the said property. However, the impugned order states that the writ petitioner should submit an order of the Court, if any exists, within a period of 30 days and in the event of not producing any such Court orders, the respondent Board is bound to disconnect the electricity connection in accordance with the rules and regulations.

4. It is found that the communication dated 13.06.2016 is not a final order. The impugned order states that the writ petitioner shall submit any such order from any Court within a period of 15 days, if any exists, and in the event of not submitting such order, the Electricity Board will act in accordance with the rules and regulations of the Board, for effecting disconnection.

5. The learned counsel for the 4th respondent states that the writ petitioner has already filed a civil suit in O.S.No.16 of 2015 and the said suit was dismissed. Against the dismissal order, the writ petitioner had preferred first appeal in A.S.No.44 of 2017 and the first appeal was also dismissed by the Sub Court of Palacode. Therefore, the writ petitioner cannot claim the continuity in electricity connection in respect of the said premises. However, it is made clear that in the event of having any such civil right, it is left open to the writ petitioner to submit all the relevant documents to the authorities of the Tamil Nadu Electricity Board, who in turn, has to consider the same and take a decision in accordance with the rules and regulations of the Board.

6. In this view of the matter, the impugned order in the present writ petition cannot be said to be infirm and there is

no irregularity in issuing a direction to the writ petitioner to produce the Court orders, if any, available with her.

7. This being the factum of the case, there are no acceptable grounds for considering the relief as such sought for in the present petition. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

mkn/ssr

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

To
Sub Assistant Registrar

- 1.The Executive Engineer
C&D, Tamil Nadu Generation And
Distribution Corporation Limited (TANGEDCO)
Palacode, Dharmapuri District.
- 2.The Assistant Executive Engineer
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- 3.The Assistant Engineer
C&D/Town/Tamil Nadu Generation And
Distribution Corporation Limited (TANGEDCO)
Karimangalam, Dharmapuri District-635 111.

+1cc to MR.M.Varunkumar, Advocate SR.NO.66375
+1cc to M/s.R.Bharathkumar, Advocate SR.NO.66240

SAI (CO)
sm:8.10.2018

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