

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2018

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.No.34230 of 2017

Mrs.P.Kuppa Bai

.. Petitioner

Vs

1.The Chief Electrical Engineer,
Chennai Electricity Distribution Circle/South,
K.K.Nagar, Chennai - 600 078.

2.Sumathi

3.M.Kannan

4.Narayanasamy

5.P.Bhakthavatchalam

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the first respondent to consider the representation dated 07.10.2017 and disconnect the electricity service connections given to respondents 2 to 5 in Electricity Connection Nos.236-002-586, 236-002-539, 236-002-538 and 236-002-401 in T.S.No.21/2, Block No.19, Zone-V, Choolaimedu, Chennai Division respectively.

For Petitioner : Mr.A.Thiagarajan
Senior Counsel for
Mr.M.Nallathambi

For Respondents : Mr.S.K.Rameshwar
Standing counsel for R1
Mr.R.Balachandiran for R2 to R5

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O R D E R

The prayer sought for in this writ petition is to issue a mandamus, directing the first respondent to consider the petitioner's representation dated 07.10.2017 and disconnect the electricity service connections bearing Nos.236-002-586, 236-002-539, 236-002-538 and 236-002-401, respectively in T.S.No.21/2, Block No.19, Zone-V, Choolaimedu, Chennai Division standing in the names of the respondents 2 to 5.

2. According to the petitioner, she purchased the property in T.S.No.21/2, Block No.19, Zone-V, Choolaimedu, Chennai Division from one Subbulakshmi Gurunathan, by a registered sale deed, dated 31.5.1976. Since then, she has been in possession and enjoyment of the property. While so, some persons had encroached her property and obtained electricity service connections in their favour, which compelled the petitioner to file a civil suit in C.S.No.418 of 2016, which was decreed by this Court and a direction was given to the defendants to vacate and hand over the vacant possession of the property to the petitioner. Pursuant to the same, she made a representation dated 07.10.2017 to the first respondent to disconnect the service connections granted to the encroachers. Finding no response on the said representation, the petitioner is before this Court.

3. The learned Senior Counsel appearing for the petitioner, during the course of argument submitted that it would suffice, if a direction is issued to the first respondent to consider the representation of the petitioner.

4. The learned Standing Counsel appearing for the first respondent submitted that the Assistant Engineer O&M, Choolaimedu, is the competent authority and he would consider the representation of the petitioner on merits.

5. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court, without going into the merits of the case, directs the Assistant Engineer O&M, Choolaimedu, to conduct enquiry and pass appropriate orders on the representation of the petitioner dated 07.10.2017, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner as well as all the necessary parties, within a period of six weeks from the date of receipt of a copy of this order. The petitioner is directed to serve this order to the Assistant Engineer, Choolaimedu, forthwith.

6. With the above direction, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

msms

To

1.The Chief Electrical Engineer,
Chennai Electricity Distribution Circle/South,
K.K.Nagar,
Chennai - 600 078.

2.The Assistant Engineer,
Choolaimade, Chennai.

+1cc to M/S.M.Nallathambi, Advocate Sr.58934

W.P.No.34230 of 2017

rsv[col]
srg 04/10/2018



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