

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 27.08.2018

CORUM

THE HON'BLE MR.JUSTICE R.SUBBIAH
and
THE HON'BLE MR.JUSTICE R.PONGIAPPAN

W.P.No.12522 of 2018
and
W.M.P.No.14668 of 2018

M/s.SSM Enterprises
rep. by its Proprietor S.Subramanian,
S/o.Sadayan,
No.50, Main Road, Anna Nagar,
Pattibiraham,
Chennai-600 072. ... Petitioner

Vs.

- 1.The District Collector,
Collectorate Office,
Thiruvallur District.
- 2.The Tahsildar,
Avadi Taluk,
Thiruvallur District.
- 3.The Revenue Divisional Officer,
Thiruvallur District.
- 4.The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
Pattibiram,
Avadi Taluk,
Chennai-600 072.

... Respondents

Writ Petition has been filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the respondents to remove the lock and seal of the petitioner's premises situate at No.5, Hindu College Road, Meenakshe Bharathidasan Street, Anna Nagar, Pattabiram, Chennai-600 072 and comprised in S.No.432/1B & 432/2B of Tandorai Village, Avadi Taluk, Thiruvallur District and consequently, to direct the 4th respondent to restore the Electricity supply to the petitioner's premises in service connection

No.050122717/AED/03/M/PTM by considering his representations dated 05.05.2018 made to the respondents.

For Petitioner : Mr.G.Ravisankar

For Respondents: Mr.V.Anandhamoorhty, AGP (For R1 to R3)
Mr.P.R.Dhilipkumar (For R4)

ORDER

(Order of the Court was delivered by R.SUBBIAH, J.,)

The present writ petition has been filed by the petitioner praying for issuance of a writ of mandamus directing the respondents to remove the lock and seal of the petitioner's premises situated at No.5, Hindu College Road, Meenakshe Bharathidasan Street, Anna Nagar, Pattabiram, Chennai, comprised in S.No.432/1B & 432/2B of Tandorai Village, Avadi Taluk, Thiruvallur District and consequently, to direct the 4th respondent to restore the Electricity supply to the petitioner's premises in Service Connection No.050122717/AED/03/M/PTM by considering his representation dated 05.05.2018 made to the respondents.

2.In the affidavit filed in support of the writ petition, it has been averred by the petitioner that he is running a packaged drinking water company registered in the name of 'SSM Enterprises' functioning at the above said address. He is manufacturing packaged drinking water to cater to the needs of local and general public. He has also obtained manufacturing unit certificate from the Thiruvallur District Industries Centre of Tamil Nadu Industries and Commerce Department and obtained 'Certification Marks Licence' from Bureau of Indian Standard and also obtained Trade Mark in the name of 'Mani Minerals' from the Registrar of Trade Marks. He has been renewing all the above certificates from the concerned department as on date and the certificates are in force as on date. He has also been paying taxes to the Avadi Special Grade Municipality and also paying Electricity charges. While so, on 04.05.2018, suddenly the respondents 2 & 3 entered into the premises of the petitioner without any prior notice/intimation and sealed the premises and disconnected the electricity connection provided to the factory. The petitioner was also not issued with any show cause notice by the respondents. In fact, on earlier occasion the petitioner's premises was sealed by the respondents on 11.08.2003, against which action, the petitioner had filed a writ petition in W.P.No.23055 of 2003 and this Court by order dated 15.09.2003 directed the respondents to remove the seal of the factory and the petitioner was permitted to approach the Tamil Nadu Electricity Board for restoration of electricity connection. The

said order of this Court was duly complied with. The petitioner has been running the factory for the past 15 years. Under such circumstances, now without giving any prior intimation, the respondents have sealed the unit of the petitioner. The action of the respondents is in violation of the principles of natural justice. Thus, the petitioner sought for the relief of mandamus as stated supra.

3. Heard both sides.

4. Though the matter was regularly listed for hearing, the respondents have not chosen to file any counter. Hence, this Court is inclined to pass the following order on merits.

5. It is the main grievance of the petitioner that without any prior intimation or show cause notice, his premises has been sealed by the respondents and electricity connection in the factory was disconnected. It is well settled legal principle that such action cannot be taken without issuing any notice and affording opportunity to the party. When that being the position, We are of the opinion that the prayer sought for by the petitioner in this writ petition has to be entertained.

6. Accordingly, the writ petition is allowed and the respondents are directed to remove the lock and seal put up in the premises and to restore the electricity connection to the factory of the petitioner. However, the respondents are at liberty to issue show cause notice and afford opportunity to the petitioner and thereafter, pass appropriate orders in accordance with law. The said exercise shall be completed by the respondents within a period of two months from the date of receipt of a copy of this order.

Consequently, connected Miscellaneous Petition is closed. No costs.

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Sd/-

Assistant Registrar (CS IX)

//True Copy//

Sub Assistant Registrar

To,

1.The District Collector,
Collectorate Office,
Thiruvallur District.

2.The Tahsildar,
Avadi Taluk,
Thiruvallur District.

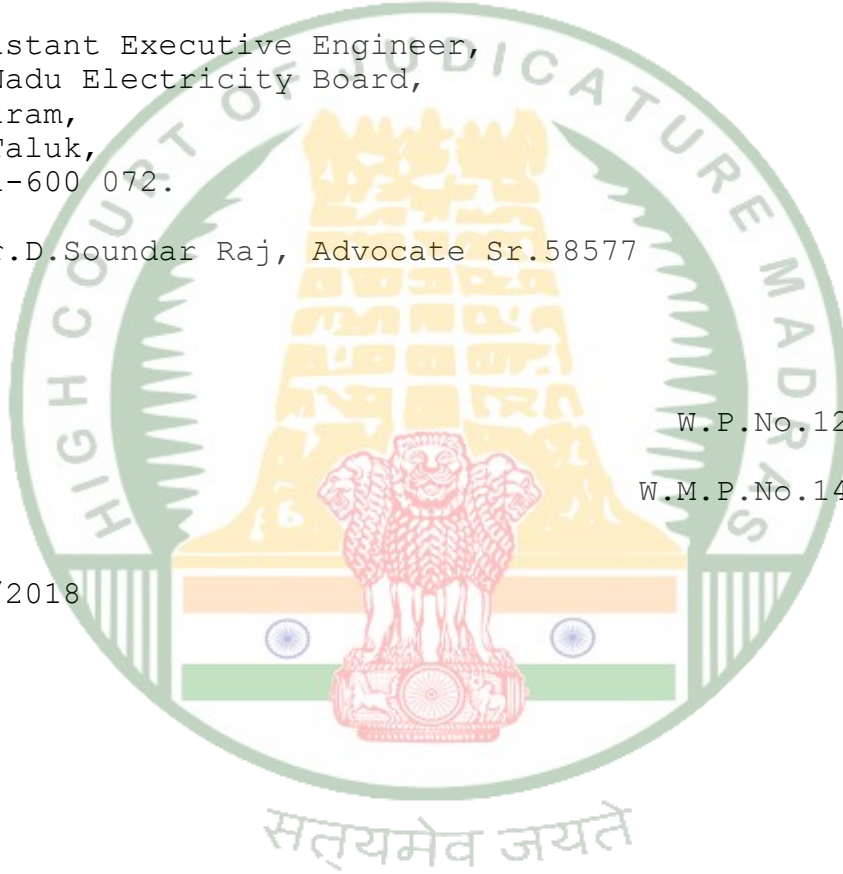
3.The Revenue Divisional Officer,
Thiruvallur District.

4.The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
Pattibiram,
Avadi Taluk,
Chennai-600 072.

+1cc to Mr.D.Soundar Raj, Advocate Sr.58577

W.P.No.12522 of 2018
and
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srg 31/08/2018



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