

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.07.2018

Coram:

The Honourable Mr.Justice S.M. SUBRAMANIAM

W.P.Nos.34872 to 34874 of 2013

and

M.P.No.1 of 2013 in W.P.Nos.34872 to 34874 of 2013

1.V.S.Madaswamy

2.M.Kannan

...Petitioners in W.P.No.34872 of 2013

3.S.Dilli

4.D.Padmakshmi

...Petitioners in W.P.No.34873 of 2013

5.M.Devadoss

6.D.Shenbagavalli

...Petitioners in W.P.No.34874 of 2013

Versus

1.Tamil Nadu Electricity Generation &
Distribution Corporation Limited (TANGEDCO),
Rep. by its Chief Engineer (Commercial),
No.144, Anna Salai,
Chennai - 2.

2.The Superintending Engineer,
Villupuram Electricity Distribution Circle,
No.10, Old Power House Road,
Villupuram - 605 602.

3.The Executive Engineer,
TANGEDCO,
Marakkanam Road,
Tindivanam - 604 001.

4.The Assistant Executive Engineer (Town),
TANGEDCO,
Marakkanam Road,
Tindivanam - 604 001.

5.The Assistant Executive Engineer (Town II),
TANGEDCO,
Marakkanam Road,
Tindivanam - 604 001.

...Respondents in W.P.Nos.34872 to 34874 of 2013

Writ Petitions are filed under Article 226 of the Constitution of India, praying for Writ of Certiorari calling for the records of impugned communication in Ka.No.Se.Po/E&Pa/Thivam/Ko.Electricity Connection/A.No.326/13, 321/13 & 323/13 dated 06.11.2013 passed by the 3rd respondent herein, and quash the same.

For Petitioners in
all W.Ps : Mr.D.Ravichander

For Respondents in
all W.Ps : Mr.M.Varunkumar

COMMON ORDER

The relief sought for in this writ petition is to quash the order issued by the Executive Engineer in proceeding dated 06.11.2013 in respect of providing High Tension Power to be merged.

2. The learned counsel appearing for the petitioners as well as the respondents made a submission that the issue involved in respect of such merger has already been decided by the Honourable Division Bench of this Court in W.A.No.1619 to 1621 of 2015 dated 02.02.2016, and the Honourable Division Bench passed the following order:

"2. Questioning the legality of the communications dated 05 October 2013, 06 November 2013 and 06 November 2013 respectively whereby and whereunder, the appellants/writ petitioners were directed to get high tension power supply as electricity connection Nos.377 and 545, 460-004-145, 460-004-1466 and 457-009-547, 457-009-804 respectively in their complex are being operated in single connection, the appellants herein filed the writ petitions. The learned single Judge examined all the facts and came to the conclusion as under in W.P.No.32910 of 2013:

"7. On considering the facts and circumstances of the case and arguments advanced by the highly competent counsels on either side and on perusing the typed set of papers, it is seen that the service connection Nos.415-006-377 and 415-005-545 are established in the same location viz., Sithani Village, V.Salai. Now, the respondents want to merge two connections as one as per Regulation 27(14) of the Tamil Nadu Electricity Distribution Code 2004. As

such, the respondent's communication dated 05.10.2013 is fit to be operated upon further and no prejudice will be caused to the petitioner. Hence, the above writ petition is dismissed. There is no order as to costs. Consequently, connected miscellaneous petition is closed."

Similar observation was made by the learned single Judge in the connected writ petitions in W.P.Nos.33412 and 33954 of 2013. Aggrieved by the said observation, the appellants/writ petitioners have come up with the instant writ appeals.

3. The learned counsel appearing for the appellants submits that the aforestated impugned communications were sent, as pleaded by the respondents, on the basis of reports submitted by a team of engineers pursuant to the alleged inspection of the premises. It is further contended that the appellants were not served with the copies of the reports to enable them to file appropriate response, before the impugned communications were served on them. Thus the appellants may be given an opportunity to file their response to the impugned communications on supply of copies of the reports. Thereafter, the authorities may take appropriate decision in accordance with law.

4. Learned Standing Counsel appearing for the authorities fairly submits that copies of the reports, which form the basis of the impugned communications, will be supplied to the appellants within a period of two weeks and the appellants will be given an opportunity to file their response within a further period of two weeks. He would further submit that the respondents/authorities be granted liberty to take decision in accordance with law and on its own merits.

5. In view of the above submission made by the learned Standing Counsel appearing for the respondents, it is ordered accordingly.

6. With the aforestated observations, the writ appeals stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed."

3. In view of the order passed by the Honourable Division Bench, the benefit extended to the petitioners by the Honourable Division Bench be extended to the writ petitioner also.

4. With the above direction, these Writ Petitions shall stand disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

s/d-
Assistant Registrar (CO)

True Copy

Sub-Assistant Registrar

mrr/gmd

To

1. Tamil Nadu Electricity Generation & Distribution Corporation Limited (TANGEDCO), Rep. by its Chief Engineer (Commercial), No.144, Anna Salai, Chennai - 2.
2. The Superintending Engineer, Villupuram Electricity Distribution Circle, No.10, Old Power House Road, Villupuram - 605 602.
3. The Executive Engineer, TANGEDCO, Marakkanam Road, Tindivanam - 604 001.
4. The Assistant Executive Engineer (Town), TANGEDCO, Marakkanam Road, Tindivanam - 604 001.
5. The Assistant Executive Engineer (Town II), TANGEDCO, Marakkanam Road, Tindivanam - 604 001.

+1 CC to Mr.M. Varunkumar, Advocate sr 45813.
+1 CC to Mr.D. Ravichandar, Advocate sr 45688.

W.P.Nos.34872 to 34874 of 2013

MR (CO)
SP (05/09/2018)