



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. (MD) No.724 of 2018

and

W.M.P. (MD) Nos.807 & 808 of 2018

P.Muthumariammal

... Petitioner

-Vs-

1. The Principal Chief Conservator of Forest,
Tamil Nadu Forest Department,
Panagal Maligai, Saidapet,
Chennai.
2. The District Forest Officer,
Office of the District Forest Officer,
Tuticorin, Tuticorin District.
3. The Principal Secretary / Chairman and
Managing Director,
Tamil Nadu Generation and Distribution
Corporation Limited,
No.144, Anna Salai,
Chennai-600 002.
4. The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,
Tangedco, Tuticorin District.
5. The Junior Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,
Distribution and Maintenance,
Kovilpatti, Tuticorin District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the fifth respondent in Ref க.எண் இ. மி.பொ/வி/ந/கி/கோவில்பட்டி/கோப்பு/கட்டு/க.எண். 801/2017 dated 25.11.2017



bearing electricity connection no.311-007-470 and quash the same and further direct the fourth and fifth respondent to restore the electricity connection forthwith to the petitioner company bearing electricity connection no.311-007-470.

WEB COPY

For Petitioner : Mr.N.Ananthapadmanabhan

For R1 to R3 : Mr.M.Rajarajan,
Government Advocate.

For R4 & R5 : Mr.A.U.Ramanathan

ORDER

The Writ Petition has been filed challenging the order dated 25.11.2017 passed by the fifth respondent.

2.According to the petitioner, she is running a Match Splint Industry. Earlier, by proceedings dated 28.10.2017, the second respondent / the District Forest Officer sent a letter to all the owners of the industries to close the industries, consequently, he sent the notice to the fifth respondent to disconnect the electricity service connection. Pursuant to the letter dated 28.10.2017, the fifth respondent has issued a notice dated 25.11.2017 to the petitioner to close the industries or send a letter to the Forest Department requesting them not to disconnect the electricity service connection. Challenging the same, the present Writ Petition has been filed.

3.The learned counsel for the petitioner submitted that subsequent to the impugned order, the second respondent / the District Forest Officer in and by which proceedings dated 27.11.2017, kept in abeyance of the earlier order dated 28.10.2017 and also sent a letter to the Superintendent of Engineer, TANGEDCO, not to take action on the letter dated 28.10.2017 sent by the second respondent / the District Forest Officer. In view of the proceedings dated 27.11.2017 issued by the second respondent / the District Forest Officer, the impugned order would be necessarily set aside. The learned counsel for the petitioner further submitted that similar notices have been challenged before this Court in W.P.(MD)No.24095 of 2017. This Court, by an order dated 22.12.2017, set aside the similar order dated 25.11.2017 passed by the fifth respondent.

4.In the above circumstances, since already the notice sent by the second respondent / the District Forest Officer, is kept in abeyance and he has also directed the fifth respondent not to take proceedings on the impugned order passed by the fifth respondent, the impugned order is liable to be set aside.



Accordingly, the impugned order is set aside. This Writ Petition is allowed. There shall be no order as to costs. Consequently, W.M.P. (MD) Nos. 807 & 808 of 2018 are closed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Chief Conservator of Forest,
Tamil Nadu Forest Department,
Panagal Maligai, Saidapet,
Chennai.
2. The District Forest Officer,
Office of the District Forest Officer,
Tuticorin, Tuticorin District.
3. The Principal Secretary / Chairman and
Managing Director,
Tamil Nadu Generation and Distribution
Corporation Limited,
No.144, Anna Salai,
Chennai-600 002.
4. The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,
Tangedco, Tuticorin District.
5. The Junior Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,
Distribution and Maintenance,
Kovilpatti, Tuticorin District.

+ 1 cc TO Mr.N.Ananthapadmanabhan , Advocate in SR No. 42227
+ 1 cc TO The Special Government Pleader in SR No. 42312

Myr

AE/RSK/SAR1/07.02.2018/3P/8C

W.P (MD) No. 724 of 2018
11.01.2018