

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2019

CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

W.P. 12420 of 2011
and
M.P. 1 of 2011

Karunamoorthy Ganapathy

... Petitioner

Vs

1. Assistant Engineer,
O&M, Velacherry / East,
Tamil Nadu Electricity Board,
CEDC/South, Chennai-600 042.

2. P.Sundararajan,
No.44, Balamurugan Nagar,
Velacherry,
Chennai-600 042.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the entire records relating to the proceedings of the 1st respondent dated 22.01.2011 made in Lr.No.AE/O&M/Vellacherry/East/F.Doct/D 286 quash the same .

For Petitioner : Mr.M.Devaraj

For Respondents: Mr.S.K.Rameshuwar,
Standing Counsel for R1

Ms.Mahamandra Rajalakshmi
for M/s.J.Ramakrishnan for R2

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O R D E R

This Writ Petition has been filed challenging the impugned order of the 1st respondent dated 22.01.2011 and quash the same.

2. The case of the petitioner is that the 1st respondent Electricity Board has passed the impugned order dated 22.01.2011 on the premise of the Additional District Judge cum Fast Track Court No.1, Chennai dated 06.09.2010 in Appeal Suit No.119 of

2009 as if the petitioner has no right over the property situated at No.43, 1st Street, Balamurugan Nagar, Velacherry, Chennai. Accordingly, the service connection No.275:002:2613 was effected to the above said premises in the name of petitioner's power agent Mr.A.Sundaram, who is liable for disconnection by invoking the provision of Regulation 33(4) of Tamil Nadu Electricity Distribution Code and the information was sent to the petitioner that the service connection will be disconnected within 30 days. Challenging the same, the present Writ Petition has been filed by the petitioner.

3. The learned counsel appearing for the petitioner disputing the fact submitted that the Appellate Court has dismissed the suit filed by the petitioner and as against the dismissal, the petitioner has filed the Second Appeal before this Court. Hence, if the petitioner succeeds in the Second Appeal, a liberty may be granted to the petitioner to file appropriate application before the Electricity Board for restoration of connection.

4. In view of the above, the learned counsel appearing for the 2nd respondent would submit that after the dismissal of the suit by the first Appellate Court, immediately, the hut was removed in the premises and as of now, there is no electricity connection provided to the premises.

5. Considering the facts and circumstances of the case, since the petitioner has lost the suit for injunction before the first Appellate Court, thereafter the said impugned notice was issued and it is learnt that the Second Appeal is pending. Therefore, this Court is of the view that after the disposal of the Second Appeal, a liberty is granted to the petitioner to file an appropriate petition before the 1st respondent Electricity Board.

6. With the above said observation, the present Writ Petition stands closed. No costs. Consequently, the connected Miscellaneous Petition is also closed.

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sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

rpp

To

The Assistant Engineer,
O&M, Velacherry / East,
Tamil Nadu Electricity Board,
CEDC/South, Chennai-600 042.

W.P. 12420 of 2011
and
M.P. 1 of 2011

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