

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2019

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.3576 of 2019

and

W.M.P.Nos.3920 & 3924 of 2019

1.D.Selvarajan
2.G.Soundararajan
3.Devendran
4.B.Raj Murugan
5.S.A.Anbazhagan
represented by their authorized
power agent Mr.MuthusamyPetitioners

Versus

1.The Chairman,
TANGEDCO, Anna Salai,
Chennai - 600 002.
2.The Assistant Engineer, (Operations and Maintenance),
SIDCO - Thirumullaivoyal,
CEDC West - TANGEDCO, Thirumullaivoyal,
Chennai.
3.K.Prakash Bai
4.M.Mahaveer Chand
5.Nirmal Kumar Jain
6.Manoj Kumar Jain

(R5 & R6 are impleaded
vide order dated 03.07.2019
made in WMP No.10415/2019)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of Writ of Certiorarified Mandamus, calling for the records of the second respondent vide Letter No.U.Po./O&M/Sidco.Thi.Mu./Ko.Pu./Ki. Thirumu.No.142/2018-19 dated 22.11.2018 and quash the same and directing the second respondent to disconnect the service connections bearing Nos.453-008-585 and 453-008-598 stood in the names of the third and fourth respondents on the property of the petitioners within a time frame.

For Petitioners : Mr.G.Ilamurugu

For Respondents : Mr.P.R.Dilip Kumar
Standing Counsel for R1 & R2

: R4 - Deceased

: No appearance for R5 & R6

O R D E R

Heard, the learned counsel for the petitioners and the learned standing counsel appearing for the respondents 1 and 2.

2. The petitioners herein are the owners of the land in Survey No.245/30, at Pothur Village, Ambattur Taluk, Thiruvallur District. The contention of the petitioners is that the third and fourth respondents are the neighbouring land owners bearing Survey No.245/2A and have obtained service connection and installed motors in their land. This was objected by the petitioners through their Power Agent, through a representation dated, 12.11.2018.

3. The Assistant Engineer, Thirumullaivoyal vide letter, dated 22.11.2018, has issued a letter stating that the Service Connection in the name of the third and fourth respondents has been given for the land bearing Survey No.245/30. However to disconnect the same, the petitioners have to approach appropriate Court and get order. This communication of the Assistant Engineer is challenged in this Writ Petition.

4. Notice was ordered to the first and second respondents and they are represented by the learned standing counsel. The third to sixth private respondents have been served notice, but there is no representation for them.

5. A short point involved in this Writ Petition is that whether the petitioners herein without approaching the competent Civil Court for determination of its location and title in respect of Survey No.245/30 can seek removal of the electrical facility given in favour of the third to sixth respondents.

6. In such circumstances, the first and second respondents ought to have caused notice to the third to sixth respondents and after conducting enquiry, they should have passed appropriate orders instead of forcing the petitioners herein to approach the competent Court and get order. It appears from the averments made in the affidavit, that the title has already

settled in favour of the petitioners regarding the Survey No.245/30, in such circumstances, the impugned order of the Assistant Engineer, TANGEDCO, Thirumullaivoyal dated 22.11.2018 is liable to be quashed.

7. In the Counter Affidavit filed by the second respondent, it is stated that electricity connection has been given to the third to sixth respondents after obtaining due indemnity bond and other documents. Since the title of the land appears to be in the name of the petitioners, the second respondent can invoke the provisions of the bond to disconnect the electricity connection. Therefore it is necessity for the second respondent to conduct an enquiry and pass appropriate orders based on the records without shirking responsibility.

8. Taking into consideration, the facts and circumstances of the case, the second respondent is directed to complete the enquiry process within a period of eight weeks from the date of receipt of a copy of this order.

9. With the above direction, this Writ Petition is disposed of. No cost. Consequently, the connected Miscellaneous Petitions are also closed.

arb

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Chairman,
TANGEDCO, Anna Salai,
Chennai - 600 002.

2.The Assistant Engineer, (Operations and Maintenance),
SIDCO - Thirumullaivoyal,
CEDC West - TANGEDCO, Thirumullaivoyal,
Chennai.

+1cc to Mr.P.R.Dhilip Kumar, Advocate, SR.No.57439

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Kak(19/08/2019)