

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2019

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.7390 of 2018

C.Ramesh Kumar Bafna

.. Petitioner

Vs

1.The Assistant Executive Engineer,
TANGEDCO,
Coimbatore Electricity Distribution Circle / Metro,
R.S.Puram - North - Coimbatore.

2.Mr.A.R.R.Shanmugam .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to quash the impugned notice dated 20.03.2018 issued by the first respondent with respect to the Electricity Service Connection No.099-088-977 and consequently direct the first respondent to consider his representation dated 21.03.2018 along with first respondent's notice dated 19.03.2018 for replacing the Electricity Consumption Reading Meter to the petitioner's shop premises bearing D.No.799-C, Mettupalayam Road, R.S.Puram, Coimbatore.

For petitioner : Mr.Udaya P.S.Menon

For R1 :Mr.S.K.Raameshuwar, standing counsel

For R2 : No Appearance

ORDER

The present writ petition is directed against the impugned notice dated 20.03.2018 issued by the first respondent / the Assistant Executive Engineer, TANGEDCO, Coimbatore Electricity Distribution Circle, informing the second respondent/landlord to keep the meter box visible to note-down the consumption reading.

2. First of all, it is not known how the petitioner can file this writ petition against the impugned notice dated 20.03.2018 issued to the landlord/second respondent herein.

3. It is stated by the learned counsel for the petitioner that since there has been a dispute between the petitioner and the landlord with regard to possession, the petitioner had preferred a suit in O.S.No.1296/2011, whereby, the learned III Additional District Munsif Court, Coimbatore, decreed the suit in favour of the petitioner on 03.01.2018, granting permanent injunction not to disturb his peaceful possession of the shop premises. In spite of such decree, it is stated, the first respondent, in connivance with the second respondent, has issued the present notice to the petitioner, which is contrary to the decree passed by the learned III Additional District Munsif Court, Coimbatore.

4. But, this Court is unable to find any merit on the above said submission, for the reason that the first respondent has issued a simple impugned notice calling upon the second respondent / owner of the premise to keep the meter box visible to note-down the consumption of the units consumed by the petitioner. It is also the duty of every electricity consumer to keep the electricity meter at a conspicuous place enabling the electricity staff to come and note-down the reading of the electricity consumption. Therefore, I do not find any error in the said notice issued by the first respondent, for, if the meter-box is not visible, then obviously the officials from the first respondent department cannot note-down the consumption of the units consumed by the petitioner. Therefore, the contention of the petitioner that the first respondent, in connivance with the second respondent/landlord, has issued the present impugned notice cannot be sustained.

5. Thus, on this count, I do not find any merit in the writ petition and accordingly, it is dismissed as devoid of any merit. The second respondent is directed to keep the meter-box visible to note-down the consumption reading. No Costs. WMP.No.9175 of 2018 is closed.

Sd/-

Assistant Registrar (CS-IV)

//True copy//

Sub Assistant Registrar

rkm

To

The Assistant Executive Engineer,
TANGEDCO,
Coimbatore Electricity Distribution Circle / Metro,
R.S.Puram - North - Coimbatore.

+lcc to Mr.V.Vijayakumar, Advocate SR.No.13577

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KJI (CO)
GMY (07/03/2019)



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