

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P. No.40980 of 2016

C.Kuppusamy

.. Petitioner

Versus

1. The Secretary to Government,
Public Works Department,
Government of Tamil Nadu,
Fort St.George,
Chennai 600 009.
2. The Chief Engineer (General),
Public Works Department,
Chepauk, Chennai 600 005.
3. The District Collector,
Collectorate Building,
Tiruppur District.
4. The Regional Chief Engineer,
Water Resource Organization,
PWD Office Building,
Town Hall,
Coimbatore 641 001.
5. The Executive Engineer,
PWD Department (Public Works Department),
Amaravathi River Protection Division, Karur.
6. The Superintendent Engineer,
PWD Department (Public Works Department),
Amaravathi River Protection Division,
Palani.
7. The Junior Engineer,
Public Works Department,
Amaravathi Basin, Dharapuram.
8. The Divisional Engineer,
TNEB (Tamil Nadu Electricity Board),
Dharapuram.

9. The Assistant Divisional Engineer,
Rural East,
TNEB (Tamil Nadu Electricity Board),
Dharapuram.

10. The Junior Engineer,
TNEB (Tamil Nadu Electricity Board),
Manakkadavu,
Dharapuram Taluk, Tiruppur District.

11. N. Selvaraj

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents 1 to 10 to consider the representation of the petitioner dated 07.09.2016.

For Petitioner : Mr. B. Dyaneswaran

For Respondents-1 to 7: Mr. N. Inbanathan
Additional Government Pleader

For Respondents-8 to 10: Mr. S. K. Rameshuwar

O R D E R

This Writ Petition has been filed seeking for a direction to the respondents 1 to 10 to consider the representation of the petitioner dated 07.09.2016.

2. It is stated that the petitioner had filed a suit in O.S.No.25 of 2014 on the file of the District Munsif Court, Dharapuram against the officials of the TNEB as well as the 11th respondent seeking the relief of permanent injunction restraining the 11th respondent from running the electric motor in any other land other than the land in R.S.No.522/1, in which, the service connection in S.C.No.215 was granted. The said suit was withdrawn by the petitioner. He had sent a representation dated 25.04.2016 to the respondents 1 to 10. The 10th respondent had sent a communication to the petitioner, vide his proceedings dated 07.09.2016 in No.JEE/Manakadavu/Ka.Va.Aa/No.73/2016 stating that he has inspected the above said service connection and there was no illegal usage of the same. As there was no date of inspection and the details were not complete, the petitioner sent another representation dated 07.09.2016 to the respondents 1 to 10 to take action against the 11th respondent. Since there was no action, the petitioner has filed this Writ Petition seeking the relief stated supra.

3. After notice, a counter affidavit is filed by the 9th respondent, which says that a representation dated 07.09.2016 was received from the petitioner stating that one N.Selvaraj i.e., 11th respondent herein, who is the adjacent land owner to the petitioner having common right in the common well situated in R.S.No.522/1, is taking water illegally from the canal and the common Well by using 10 HP Motor. In paragraph 5 of the Counter Affidavit, it is stated that on 19.09.2016, an inspection was conducted by the 10th respondent along with other officials and found that there was no illegality or misuse of electricity service connection and the same was communicated to the petitioner by post on the same day (i.e) 19.09.2016. However, no acknowledgment has been filed. In paragraph 7, it is stated that after inspection, a mahazar for unauthorised extension of service connection was made by the 11th respondent and a provisional assessment order was issued for the violation of the Electricity Board Rules.

4. As already the representations of the petitioner have been considered and suitable action has been taken as stated in the counter affidavit, while recording the same, this Writ Petition is closed. No costs.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

srn
To

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TNEB (Tamil Nadu Electricity Board),
Manakkadavu,
Dharapuram Taluk, Tiruppur District.
- +1 CC to Mr.B.Dyaneswaran, Advocate sr 32182.
+1 CC to Govt. Pleader sr 31999.

RK(CO)
SP(06/05/2019)

W.P. No.40980 of 2016

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