

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2019

CORAM

THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.7861 of 2014

K.K.Mayilsamy

Petitioner

Vs.

- 1.The District Collector,
Coimbatore District.
- 2.The Chief Engineer,
Tamilnadu Electricity Board,
Tatabad, Coimbatore.
- 3.The Supervisory Engineer,
Coimbatore Electricity Distribution
Circle South, Kuniyamuthur.
- 4.The Executive Engineer,
Tamilnadu Electricity Generation &
Distribution Board,
Coimbatore Distribution Circle (South),
Kuniyamuthur.
- 5.The Assistant Executive Engineer,
Tamilnadu Electricity Generation &
Distribution Board,
Coimbatore Distribution Circle (South),
Coimbatore.

6.K.Ramasami

Respondents

(R-6 impleaded as per the order
dated 14.08.2014 in M.P.No.1 of 2014 in W.P.No.7861 of
2014)

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for issuance of Writ of Mandamus, directing the respondents to consider petitioner's

representation dated 02.01.2013 and pass order in accordance with memo No.SE/RE/D/Ch.Spl.8238/1999-1/87, dated 12.01.1988.

For Petitioner : Mr.S.Gunalan

For Respondents : Mr.B.Anand
Government Advocate for R-1

Mr.S.K.Rameshwar
Standing Counsel for R2 to R5

Mr.D.Ravichander for R6

O R D E R

The prayer in the Writ Petition is for issuance of Writ of Mandamus directing the respondents to consider petitioner's representation dated 02.01.2013 and pass order in accordance with memo No.SE/RE/D/Ch.Spl.8238/1999-1/87, dated 12.01.1988.

2. According to the petitioner, he submitted a representation on 02.01.2013 to the respondents for disconnection of agriculture service granted to one K.Ramasami on 02.01.2013. However, the said representation was not evoked any response. Hence, the petitioner is before this Court.

3. The fourth respondent has filed a counter affidavit and it is stated that the sixth respondent is the brother of the petitioner. It is further stated that the petitioner, vide letter dated 06.08.2012 requested to disconnect the agricultural service connection No.416, Orattukuppi Distribution issued to his brother, viz., K.Ramasamy on the basis that his brother K.Ramasamy had produced forged documents. The learned Principal District Judge, Coimbatore had dismissed the appeal filed by the petitioner in A.S.No.173 of 2004 on 11.04.2005 and held that the brother of the petitioner, viz., K.Ramasamy is having 50% share in S.F.No.294/3 of Orattukuppi Village. It is further stated that the Village Administrative officer, Orattukuppi wrongly mentioned document No.342 of 1991 in the ownership certificate instead of correct document No.720 of 1986 and the service connection could not be disconnected as the service connection was effected on 29.19.1992 itself and further the petitioner and the sixth respondent are the joint owners of the subject property.

4. Though the Writ Petition is of the year 2014, till date no counter affidavit has been filed by the sixth respondent.

5. In the case on hand, the petitioner made a representation to the respondents on 02.01.2013 for disconnection of service connection granted to the sixth respondent on the ground that No Objection Certificate obtained by the sixth respondent was false. Due to lapse of several years and the sixth respondent got service connection in the year 1992 itself, the objection made by the petitioner cannot be looked into at the present stage. Further, by taking note of stand in the counter affidavit that the petitioner and the sixth respondent are joint owners of the subject property, this Court is not inclined to entertain the present Writ Petition under Article 226 of the Constitution of India. It is for the petitioner to approach the concerned Civil Court to establish that the said No Objection Certificate was obtained by the sixth respondent in a fraudulent manner. Therefore, the Writ Petition is dismissed with liberty to the petitioner to approach the competent Civil Court or any other forum and work out his remedy in the manner known to law.

5. Accordingly, the Writ Petition is dismissed with the above liberty. There is no order as to costs. Consequently, connected miscellaneous petition is closed.

sd/
ASSISTANT REGISTRAR

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

To

- 1.The District Collector,
Coimbatore District.
- 2.The Chief Engineer,
Tamilnadu Electricity Board,
Tatabad, Coimbatore.
- 3.The Supervisory Engineer,
Coimbatore Electricity Distribution
Circle South, Kuniyamuthur.
- 4.The Executive Engineer,
Tamilnadu Electricity Generation &
Distribution Board,
Coimbatore Distribution Circle (South),
Kuniyamuthur.

5.The Assistant Executive Engineer,
Tamilnadu Electricity Generation &
Distribution Board,
Coimbatore Distribution Circle (South),
Coimbatore.

+1 CC to Mr.D.Ravichander, Advocate Sr.No.36936/19

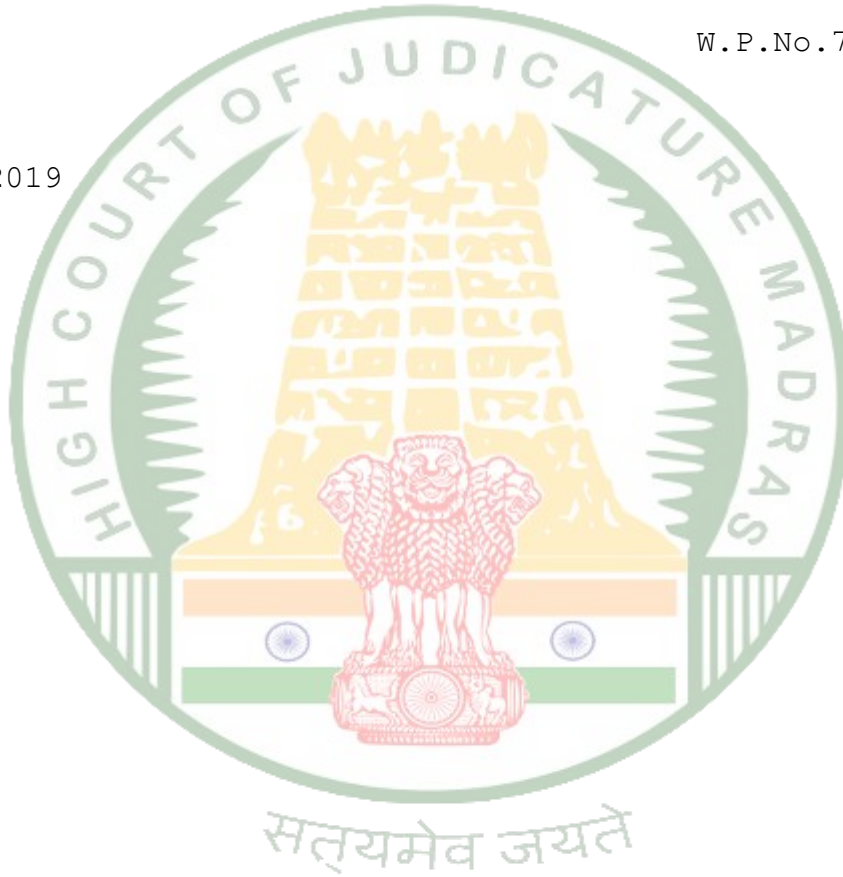
+1 CC to Mr.S.Gunalan, Advocate Sr.No.36875/19

+1 CC to Government Pleader, Sr.No.38215

W.P.No.7861 of 2014

ssv (co)

TA-08/06/2019



WEB COPY