



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2020

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P. Nos. 29540 and 29541 of 2013

W.P. No. 29540 of 2013

Mrs. Sulochana

.. Petitioner

Vs.

The Assistant Engineer
Operation, Maintenance & Distribution
Tamil Nadu Electricity Board
Mettur Town, Metturdam - 1
Salem District.

.. Respondent

Petition under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records of the impugned notice in Ka.No.Voo.Po/E&Pa/Na/May/Ko.Voo/ Aa.Pukar Manu /No.410/12-13 dated 28.10.2013 issued by the Respondent herein and quash the same, consequently, forbearing the respondent from proceeding or disconnection in respect of E.B. Connection Nos.101-007-951 and 952 provided in the name of the Petitioner i.e. Mrs.Sulochana.

W.P. No. 29541 of 2013

Mrs.Palaniammal

.. Petitioner

Vs.

The Assistant Engineer
Operation, Maintenance & Distribution
Tamil Nadu Electricity Board
Mettur Town, Metturdam - 1
Salem District.

.. Respondent

Petition under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records of the impugned notice in Ka.No.Voo.Po/E&Pa/Na/May/Ko.Voo/ Aa.Pukar Manu /No.412/12-13 dated 28.10.2013 issued by the Respondent herein and quash the same, consequently forbearing the respondent from proceeding or disconnection in respect of E.B.Connection No.101-007-962 provided in the name of the Petitioner i.e. Mrs.Palaniammal.

For Petitioners : Mr.M.R.Jothimanian(in both Wps)



For Respondent :Mr.M.Vijayameghanath
Mr.N.Damodharan
(in both Wps)

COMMON ORDER

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Heard Mr.M.R.Jothimanian, learned counsel for the petitioners and Mr.M.Vijayameghanath, learned Standing Counsel for the respondent.

2. The petitioners seek for issuance of Writ of Certiorarified Mandamus to quash the impugned notices in Ka.No.Voo.Po/E&Pa /Na/May/Ko.Voo /Aa.Pukar Manu/ No.410/12-13 and Ka.No.Voo.Po/E&Pa /Na/May/Ko.Voo /Aa.Pukar Manu/ No.412/12-13 dated 28.10.2013 issued by the respondent and consequently, forbearing the respondent from proceeding or disconnection in respect of E.B. Connection Nos.101-007-951, 952 and 962 respectively provided in the name of the Petitioners.

3. The only ground on which the impugned notices have been challenged by contending that the time granted to produce the documents is thoroughly inadequate, since only 24 hours was granted to the petitioners to produce the necessary documents. Thus, it is made clear that the Petitioners have been unreasonably dealt with. The party has to be given at least reasonable time of seven(7) days. However, there is an allegation that the petitioners are encroachers of the Government property. In any event, the Writ Petitions are pending since 2013, and an order of interim stay was granted.

4. The Writ Petitions are disposed of by directing the Petitioners to treat the impugned proceedings as show cause notices and submit their objections within 15 days from the date of receipt of a copy of this order along with all documents and on receipt of the same, the respondent shall consider the objections filed by the Petitioners, take note of the documents that may be produced and pass speaking order(s) on merits and in accordance with law. Since the Petitioners had the benefit of the interim order during the pendency of these Writ Petitions, till orders are passed no coercive actions shall be initiated against the Petitioners. Consequently, connected miscellaneous petitions are closed. No costs.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar



maya

To

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The Assistant Engineer
Operation, Maintenance & Distribution
Tamil Nadu Electricity Board
Mettur Town, Metturdam - 1
Salem District.

+1 CC to Mr.R. Jothimanian, Advocate sr 18155.

W.P. Nos. 29540 & 29541 of 2013

GP(CO)
SP(14/07/2020)