

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:11.09.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.11367 of 2020

and

WMP No.13856 of 2020

Velusamy

...Petitioner

Vs.

1. The Superintendent of Police,
Tiruppur District.
2. The Inspector General of Police,
Coimbatore.
3. The Inspector of Police,
Gudimangalam Police Station,
Tiruppur District.
4. The Junior Engineer,
TANGEDCO, V.Velur,
Udumalpet Taluk,
Tiruppur District.
5. Radhamani
6. Kavithamani
7. Rathinasamy
8. Nagamanickam
9. Prasanth

...Respondents

This Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the fourth respondent to restore the electric connection in Service No.31 of the Common well in S.No.128/B, Moongilthuluvu Village, Tiruppur District by re-fixing fuse carriers stolen by the respondents 5 to 9 and to take appropriate action against the respondents 5 to 9 by considering the petitioner's representation dated 31.07.2020.

For Petitioner : Mr.D.R.Arun Kumar

For Respondents 1 to 3: Mr.Aruldoss
Government Advocate

For Respondent-4 : Mr.Vijaya Mehanathan

ORDER

This Writ Petition has been filed seeking a Writ of Mandamus directing the fourth respondent to restore the electricity connection in Service No.31 of the Common well in S.No.128/B, Moongilthuluvu Village, Tiruppur District by re-fixing fuse carriers stolen by respondents 5 to 9 and to take appropriate action against the respondents 5 to 9 by considering the petitioner's representation dated 31.07.2020.

2. This Court passed the following order on 27.08.2020.

"Mr.Aruldoss, learned Government Advocate takes notice for the respondents 1 to 3. Mr.M.Vijayamehanathan, learned counsel takes notice for the fourth respondent.

2. Considering the allegations made in the affidavit filed in support of the writ petition, learned standing counsel appearing for the fourth respondent is directed to take instructions and report before this Court as to whether the private respondents have tampered with the Electricity Service Connection given in Service No.31 and if so, what action has been taken.

3. Post this case under the caption 'for orders' on 03.09.2020. The learned counsel for the petitioner is directed to serve the papers immediately to the counsels appearing for the respondents 1 to 4."

3. Thereafter, the matter came up for hearing on 03.09.2020 and the following order was passed:-

"Mr.Vijaya Mehanathan, learned counsel appearing for the fourth respondent submitted that the officials have already visited the property and they are taking immediate steps to restore the electricity connection of the petitioner.

2. Post this case under the caption 'for orders' on 08.09.2020. In the mean time, the fourth respondent shall restore the electricity connection of the petitioner, since the

connection is being utilized for the purpose of irrigating the agricultural lands."

4. When the matter was called today, Mr. Vijaya Mehanathan, learned counsel appearing on behalf of the fourth respondent submitted that a new electric box has been installed in the property and the electricity connection has been restored. Learned counsel further submitted that a notice has been affixed in the box to the effect that action will be taken against anyone who tamper with the electricity connection and the property belonging to the TANGEDCO.

5. Learned counsel for the petitioner submitted that even though the electricity connection was restored, no action has been taken against respondents 5 to 9, who had indulged in the destruction of the property belonging to the fourth respondent and had also taken away fuse carriers.

6. In reply to this submission, learned counsel appearing on behalf of the fourth respondent submitted that it is a private dispute between the family members of the petitioner and the respondents 5 to 9 and this dispute has to be resolved among themselves and the fourth respondent should not be dragged into this issue.

7. This Court does not want to go into this issue in the present Writ Petition, except giving liberty to the petitioner to independently pursue his remedy against respondents 5 to 9 in the manner known to law.

8. This Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mra

To

1. The Superintendent of Police,
Tiruppur District.

2. The Inspector General of Police, Coimbatore.
3. The Inspector of Police,
Gudimangalam Police Station,
Tiruppur District.
4. The Junior Engineer,
TANGEDCO, V.Velur, Udumalpet Taluk,
Tiruppur District.

+1 cc to M/s.D.R.Arunkumar, Advocate Sr.No. 29817

+1 cc to The Government Pleader, Sr.No. 30093

W.P.No.11367 of 2020
and
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GJ(CO)
RMP(04/11/2020)