

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No. 13475 of 2020

and

W.M.P.No.16646 of 2020

M.Leeladevi

...Petitioner

Vs.

The Assistant Engineer
(Operation and Maintenance)/Town
Tamil Nadu Generation and Distribution Corporation
Kadambathur, Tiruvallur District.

...Respondents

This Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondent not to disconnect the Electricity service Connection bearing No 547-004-1015 547-004-1020 and 547-004-1030 situated at Door No 876/116 In Survey No 28/1A to an Extent of 0.03 Cents in Agaram Village, Annai Anchugam Nagar, Pudhumavilangai Post, Agaram, Kadambathur Taluk, Tiruvallur District.

For Petitioner : Mr.S.Vijayakumar

For Respondent : Mr.P.Gunaraj
Standing Counsel

ORDER

This Writ Petition has been filed for the issue of Writ of Mandamus forbearing the respondent not to disconnect the electricity service connection that has been given to the subject property.

2. The case of the petitioner is that the subject property was assessed to property tax in the name of the husband of the petitioner and the property was gifted to the petitioner and the petitioner is in possession and enjoyment of the same. Further case of the petitioner is that the electricity connection has been given for the subject property. In the mean time, notice was issued by the respondent on 15.04.2019 calling upon the petitioner to attend for enquiry and the petitioner was also

informed that if she fails to attend for the enquiry, the electricity service connection will be disconnected. The petitioner, apprehending that the electricity connection will be disconnected, has approached this Court by filing this Writ Petition.

3. Mr.P.Gunaraj, learned counsel appearing on behalf of the respondent submitted that there is a rival claimant for the property and it is only based on his complaint, the petitioner was called for an enquiry. The learned counsel submitted that even without attending the enquiry, the petitioner has approached this Court merely based on apprehension.

4. This Court has carefully considered the submissions made on either side and the materials available on record.

5. It is seen from records that the petitioner has been called for an enquiry by the respondent and the respondent has directed the petitioner to produce all the relevant records pertaining to the subject property. The learned counsel for the petitioner submitted that the petitioner will attend for the enquiry and will submit her explanation along with all the relevant documents. The learned counsel appearing for the respondent submitted that the claim made by the petitioner and the rival claimant will be considered by the respondent and appropriate orders will be passed in accordance with law.

6. In view of the specific stand taken on either side, there shall be a direction to the respondent to issue a fresh notice to the petitioner by fixing the date for enquiry and the petitioner shall be present for the enquiry along with all the relevant documents. The respondent shall also hear the rival claimant at the time of enquiry. Thereafter, the respondent shall pass appropriate orders strictly in accordance with law. Till then, the electricity service connection will be kept intact.

7. This Writ Petition is disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

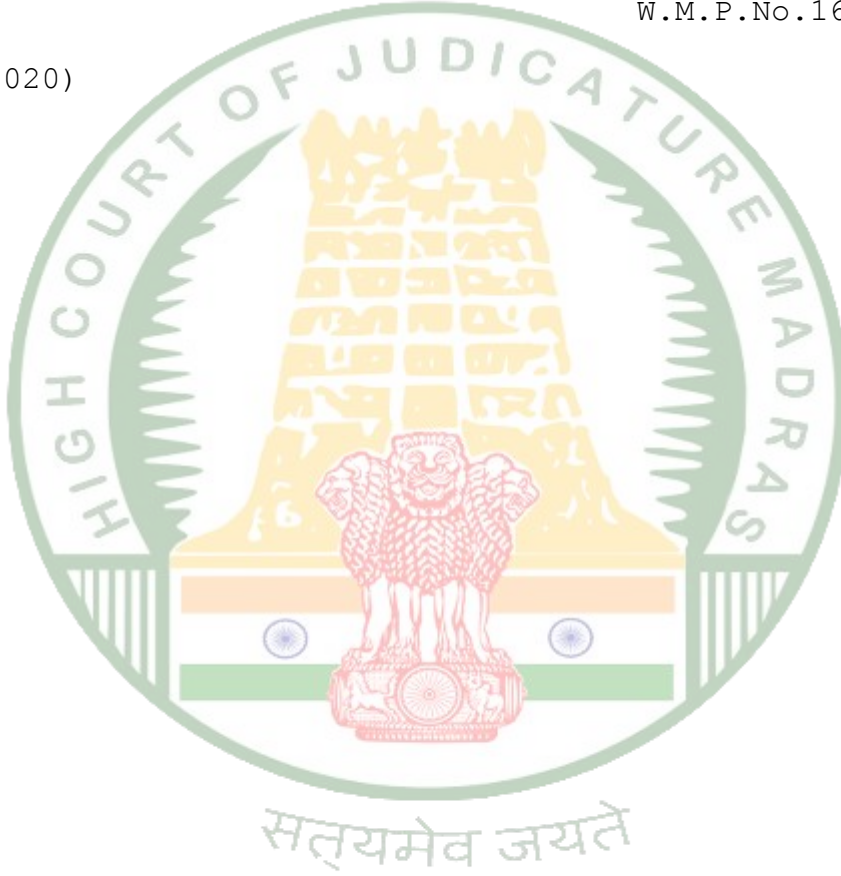
To

The Assistant Engineer
(Operation and Maintenance) Town
Tamil Nadu Generation and Distribution Corporation
Kadambathur, Tiruvallur District.

+lcc to Mr.S.Vijayakumar, Advocate, S.R.No.34967

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PM(CO)
RV(04/12/2020)



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