



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.02.2020**

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)NO.23479 OF 2019

and

W.M.P(MD)Nos.20112 and 20114 of 2019

Valarmathy

:Petitioner

.vs.

- 1.The Executive Engineer(Operation and Maintenance),
TANGEDCO,
East Trichy,
Trichy District.
- 2.The Assistant Executive Engineer(Operation and Maintenance),
TANGEDCO,
Thiruverumbur,
Trichy District.
- 3.The Junior Engineer(Operation and Maintenance),
TANGEDCO,
Ariyamangalam,
Trichy District.
- 4.Jason Kennedy : Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records pertaining to the impugned proceedings issued by the third respondent in his proceedings in Ka.No. E.Mi.Po/E.Ka/Ariyamangalam/Ko/Manu/Aa No.67/19-20, dated 28.6.2019 and to quash the same.

For Petitioner

:Mr.B.Jameel Arasu

For Respondents
1 to 3

:Ms.M.Rajeswari
for Mr.S.M.S.Johnny Basha
Standing Counsel for TNEB

For Respondent-4

:M/s.B.Janath



O R D E R

This Writ Petition has been filed seeking to quash the impugned proceedings issued by the third respondent in his proceedings in Ka.No. E.Mi.Po/E.Ka/Ariyamangalam/Ko/Manu/Aa No.67/19-20, dated 28.6.2019.

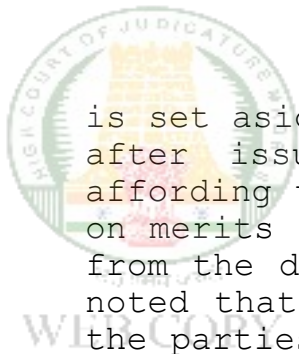
2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The Writ Petitioner has challenged the order passed by the third respondent, dated 28.6.2019 in his proceedings in Ka.No. E.Mi.Po/E.Ka/Ariyamangalam/Ko/Manu/Aa No.67/19-20.The Writ Petitioner is running a Rice Mill in the name and style of 'Thirumalai Modern Rice Mill'. Originally, it was in the name of her husband and after his demise, she became the absolute owner of the said rice mill and is running the same with the licence standing in her name. While-so, the fourth respondent, who claimed to have purchased the property from one Amutha, who is none other than the sister of the Petitioner's husband, had given an objection to the third respondent contending that the board in which the service connection in No.230-002-2 and 230-002-1170 are fixed is in the place belonging to the fourth respondent and therefore, the service connection cannot continue to be in the said place. Based on the said objection raised by him, the impugned order has been passed by the third respondent directing the Petitioner to shift the service connection Board to some other place.

4.According to the Petitioner, he has been there and having the service connection for more than three decades which is also admitted by the third respondent. The fourth respondent has very recently purchased the said property from the said Amutha and claims right over the said property.

5.The third respondent, who passed the impugned order, before directing the Petitioner to shift the Electric Board from the said place, ought to have enquired with the Petitioner regarding the said complaint and would have passed appropriate orders in tune with the same. Without doing so and without giving an opportunity of personal hearing to the Petitioner, the third respondent has passed the impugned order only based on the complaint given by the fourth respondent.

6.Therefore, without going into the merits of the case, as the impugned order is passed without issuing any notice to the Petitioner and without conducting any enquiry after affording an opportunity of personal hearing on the Petitioner, the same is liable to be set aside and accordingly, the impugned proceedings issued by the third respondent in his proceedings in Ka.No. E.Mi.Po/E.Ka/Ariyamangalam/Ko/Manu/Aa No.67/19-20, dated 28.6.2019



is set aside. The third respondent is directed to conduct an enquiry after issuing notice to all the interested parties and after affording them an opportunity of personal hearing and to pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. It is also to be noted that there seems to be several civil suits pending between the parties and the third respondent is also directed to take note of the above said litigations, while passing the order as stated supra.

7. With the above directions, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsn

To

1. The Executive Engineer (Operation and Maintenance),
TANGEDCO,
East Trichy,
Trichy District.

2. The Assistant Executive Engineer (Operation and Maintenance),
TANGEDCO,
Thiruverumbur,
Trichy District.

3. The Junior Engineer (Operation and Maintenance),
TANGEDCO,
Ariyamangalam,
Trichy District.

+1 CC to M/s. B. JAMEEL ARASU, Advocate (SR-4793[F] dated
05/02/2020)

ORDER MADE IN
W. P (MD) NO. 23479 OF 2019
and
W. M. P (MD) Nos. 20112 and
20114 of 2019
04.02.2020

KK/SAR/14.02.2020/3P-5C/