



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)Nos.12815 & 12816 of 2017 and

WMP(MD) Nos.9905 & 9906 of 2017

M.Mohamed Ibrahim
Antony Raj

Petitioner in W.P. (MD)No.12815/2017
Petitioner in W.P. (MD)No.12816/2017

Vs

1.The Assistant Commissioner,
HR & CE Department,
Pudukkottai District.

2.The Superintending Engineer,
TANGEDCO,
Pudukkottai District.

3.The Assistant Engineer,
TANGEDCO,
Thiruvappur,
Pudukkottai District.

4.The Executive Officer,
Pudukkottai Devasthanam,
Court Campus,
Pudukkottai.

Respondents in both Writ Petitions

COMMON PRAYER: Writ petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the order passed by the 3rd respondent in his Letter No.2.Po/E.Ka/Thiruvappur/Ko.Kattu/V/No.43/2017 dated 05.07.2017, quash the same as illegal.

For Petitioner
(in both WPs) : No appearance

For Respondent
(in both WPs) : Ms.M.Rajeswari for
Mr.S.M.S.Johny Basha for R2 to R3
Mr.G.Mathavan for R4



C O M M O N O R D E R

None appears for the Writ Petitioners. Heard the learned standing counsel for TANGEDCO and the learned counsel for the fourth respondent Devastanam.

2. TANGEDCO had issued the impugned communication dated 05.07.2017 putting the petitioner on notice that his service connection will be cut off. The Executive Officer is said to have taken action based on the communication dated 15.05.2017 issued by the fifth respondent.

3. I went through the contents of the said communication. The petitioner is referring to some antecedent legal proceedings. But then, TANGEDCO will be justified in effecting disconnection only if the fourth respondent obtains an eviction order under section 78 of HR&CE Act and the same is produced before the third respondent. Giving liberty to the fourth respondent to proceed as per law in the matter, the order impugned is quashed. These Writ Petitions are allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vrn

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Assistant Commissioner,
HR & CE Department,
Pudukkottai District.



2.The Superintending Engineer,
TANGEDCO,
Pudukkottai District.

3.The Assistant Engineer,
TANGEDCO,
Thiruvappur,
Pudukkottai District.

4.The Executive Officer,
Pudukkottai Devasthanam,
Court Campus,
Pudukkottai.

Common order made in
W.P. (MD) Nos.12815 & 12816 of 2017 and
WMP (MD) Nos.9905 & 9906 of 2017
03.08.2020

db (CO)
TR(17.08.2020) 3P 5C