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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.3633 of 2020

B. Ambujam

...Petitioner

Vs

1. The Superintendent Engineer,
Tamil Nadu Electricity Board,
Coimbatore North,
(TATABAD),
Coimbatore-641 012.
2. The Executive Engineer
Operation and Maintenance,
Tamil Nadu Electricity Board,
Vadamadurai,
Coimbatore-641 017.
3. The Assistant Engineer,
Tamil Nadu Electricity Board,
Coimbatore Electricity Distribution Circle,
North/West,
Thudiyalur-641 034.
4. Rajasekaran,
5. Selvi.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the Respondents 2 & 3 to conduct enquiry considering the petitioner's representation dated 03.12.2019 enquiry considering the petitioner's representation dated 03.12.2019 and consequently direct the respondents 2 and 3 cancel the electricity service connection standing in the name of 5th Respondent in service No.03-128-006-846 in respect of house property in S.F. No.344 at Door No.B5, Cheran Colony, Thudiyalur, Coimbatore-641 034.

For petitioner : Mr. P. Pandiyan

For Respondents : Mr. Jaivenkatesh for R1 to R3

: No Appearance for R4 and R5



ORDER

The petitioner has filed this Writ petition seeking issuance of a Writ of Mandamus directing the Respondents 2 & 3 to conduct enquiry considering the petitioner's representation dated 03.12.2019 and consequently direct the respondents 2 and 3 cancel the electricity service connection standing in the name of 5th Respondent in service No.03-128-006-846 in respect of house property in S.F. No.344 at Door No.B5, Cheran Colony, Thudiyalur, Coimbatore-641 034.

2. The case of the petitioner is that the petitioner's husband executed a will in favour of the petitioner in respect of the property owned by her husband. After his demise, the petitioner was living in the said property along with the respondents 4 & 5. While being so, the petitioner was forcibly evicted from said residential property by the Respondents 4 & 5 and thereafter, she settled with her elder son namely Ravishankar. It is the further case of the petitioner that though there are 2 electricity connections standing in her husband's name, one more electricity connection was obtained by the 5th respondent for commercial purpose in the said premises. Therefore, the petitioner made a representation to the 3rd respondent on 03.12.2019 to cancel the electricity connection standing in the name of the 5th respondent however, till date no action has been taken on her representation. Hence, the present Writ Petition is filed seeking the above relief.

3. Though very many grounds have been raised, the learned counsel for the petitioner submits that it would suffice if this Court issues direction to the Respondents 2 & 3 to conduct the enquiry based on the petitioner's representation within a particular time frame fixed by this Court.

4. The learned counsel for the respondents submits that there is a family dispute between the parties and the petitioner may work out her remedy before the competent forum in accordance with law.

5. In view of the above observation, it appears that it is a family dispute between the parties, therefore, this Court not inclined to exercise its inherent jurisdiction under Article 226 of the Indian Constitution to resolve the issue. Hence the prayer sought for by the petitioner cannot be acceded to. Accordingly, this Writ Petition is dismissed. No Costs.



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6. However, the liberty is granted to the petitioner to file an appropriate petition before the competent forum to work out her remedy in accordance with law.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

NHS

To

1. The Superintendent Engineer,
Tamil Nadu Electricity Board,
Coimbatore North,
(TATABAD),
Coimbatore-641 012.
2. The Executive Engineer
Operation and Maintenance,
Tamil Nadu Electricity Board,
Vadamadurai,
Coimbatore-641 017.
3. The Assistant Engineer,
Tamil Nadu Electricity Board,
Coimbatore Electricity Distribution Circle,
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Thudiyalur-641 034.

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NSK 10/12/2021