



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2021

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.13401 of 2021
and
WMP.No.14252 of 2021

G.A.Arokiaraj Ravi

... Petitioner

vs.

1. The Chairman,
Tamil Nadu Generation and Distribution
Corporation,
No.144, NPKRR Maaligai,
Anna Salai, Chennai-600 002.

2. The Assistant Engineer,
Operation and Maintenance,
Tamil Nadu Generation and
Distribution Corporation (South-1),
No.33/11, KV Mount,
SS Complex, Rudhra Road,
St.Thomas Mount,
Chennai-600 016.

3. D.Thiripura Sundari

.. Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 and 2 to restore the electricity service connection (Service No.242-066-611) of the petitioner's residence situated at No.6/70-B, North Silver Street, St.Thomas Mount, Chennai-600 016 by considering the petitioner's representation dated 09.06.2021.

For Petitioner : Mr.R.Surya Prakash

For Respondents : Mr.L.Jaivenkatesh,
Standing Counsel for R1 and R2
3 Not Ready Notice



O R D E R

It is the case of the petitioner that he has purchased a property having 1150 Sq.FT in S.No.244, situated at No.6/70-B, North Silver Street, St.Thomas Mount, Chennai from one S.Bathmavathy on 01.11.2016 through unregistered sale deed and he is in possession and enjoyment of the said property. The third respondent has approached the petitioner for lease of the said property in the year 2019 by introducing herself that she is working in TNEB and based on false documents, the third respondent has got electricity connection in her name. When the petitioner came to know about the said fact, he immediately vacated her from the property and applied for new electricity service connection in his name. On verification of the records, the respondents Board has removed the old service connection and issued new electricity connection to the petitioner vide Service No.242-066-611. While that being so, on 18.05.2021, the second respondent, without issuing any notice, has disconnected the electricity service connection of the petitioner's property. The second respondent issued a show cause notice dated 06.05.2021, which was received by the petitioner on 02.06.2021 and in response to the same, the petitioner submitted his representation dated 09.06.2021 to restore the electricity service connection and the same is kept pending and therefore, the petitioner has filed the present writ petition.

2. Mr.L.Jaivenkatesh, learned Standing Counsel for the respondents 1 and 2 submitted that the petitioner has submitted his representation dated 09.06.2021 in response to the show cause notice dated 02.06.2021 and the respondents Board will consider the same and take appropriate decision on the petitioner's representation, after affording opportunity to the third respondent.

3. Notice ordered to the third respondent was returned with an endorsement "unclaimed" and therefore, this Court presumes that notice has been served to the third respondent, but they have not entered appearance.

4. The contention of the petitioner is that the respondents Board has disconnected the electricity service connection to the petitioner on 18.05.2021 and the show cause notice dated 06.05.2021 was served on the petitioner only on 02.06.2021 (acknowledgment proof enclosed) and therefore, without serving notice, the respondents Board has disconnected the electricity service connection.

5. In view of the above, the respondents Board shall restore the electricity service connection to the petitioner's property forthwith. Considering the fact that the petitioner has submitted his reply/representation dated 09.06.2021 for the show cause notice dated 06.05.2021, this Court, without going into the merits of the same, directs the second respondent to



consider the petitioner's representation dated 09.06.2021 and pass orders on merits and in accordance with law, after affording opportunity to the third respondent, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that it is open to the petitioner to submit additional documents, if any, to the respondents Board within a period of one week from today.

6. With the above directions, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Jvm

To

1. The Chairman,
Tamil Nadu Generation and Distribution
Corporation,
No.144, NPKRR Maaligai,
Anna Salai, Chennai-600 002.
2. The Assistant Engineer,
Operation and Maintenance,
Tamil Nadu Generation and
Distribution Corporation (South-1),
No.33/11, KV Mount,
SS Complex, Rudhra Road,
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Chennai-600 016.

+1cc to Mr.R.K. Kalpana, Advocate, S.R.No.35987

W.P.No.13401 of 2021

KPL(CO)
CT/28/07/2021