



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.16921 of 2021 &
W.M.P. No. 17915 of 2021

M.Leeladevi

...Petitioner

-Vs-

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

...Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus or any other writ, order or direction of like nature of a Writ, calling for the records of the respondents proceedings Ka.No./ Vu.Poo/ E and Pa / Town/ Kadam/ Koo.Thani/ A.No. 79/ Date 23.07.2021 and quash the same consequently direct the respondent to restore the service connection bearing nos.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, AnnaiAnchugam nagar, Pudhumavilnagi Post, Agaram, Kadambathur Taluk, Tiruvallur District to the petitioner.

For Petitioner : M/s.K.Sakthivel

For Respondents : Mr.L.Jai Venkatesh
Standing Counsel

O R D E R

This writ petition has been filed challenging the proceedings of the respondent dated 23.07.2021 and for a consequential direction to the respondent to restore the service connection.

2. The case of the petitioner is that, the property in S.No.28/1A, Agaram Village, Pudhumavilangai Post, Tiruvallur District is a Natham land, wherein nearly 60 families are dwelling for a long period of time. The further case of the



petitioner is that, she is also in possession and enjoyment of her property and the same was also given electricity service connection.

3. The grievance of the petitioner is that a notice was issued by the respondent dated 06.07.2020, wherein the petitioner was informed that the service connection will be disconnected. Aggrieved by the same, the petitioner filed a writ petition before this Court in W.P.No.13475 of 2020 and this Court remanded the matter back to the file of the respondent by an order dated 28.10.2020 and directed the service connection to be kept intact till the final orders are passed by the respondent. Thereafter, the petitioner appeared before the respondent and produced all the relevant documents to establish her possession and enjoyment of the property. Thereafter, a notice was affixed in the property belonging to the petitioner stating that, the service connection will be disconnected within 24 hours. Aggrieved by the same, the present writ petition has been filed before this Court.

4. When the matter came up for hearing on 13.08.2021, this Court passed the following order.

" Learned counsel appearing on behalf of the respondents submitted that the petitioner is seeking for a service connection for S.No.28/8 whereas she is in possession and enjoyment of the property in S.No.28/6. Hence an objection was raised by one Shantha Kumar and virtually it became a law and order problem.

2. Recording the submissions of the learned counsel for the petitioner, this Court suo motu impleads Mr.Shantha Kumar S/o M.Rajagopal as second respondent in this writ petition. The learned Counsel shall inform the second respondent that this matter is posted under the caption "For Admission" on 16.08.2021. This Court will attempt to amicably settle the matter between the parties so that both the parties will be able to enjoy the service connection. Post this case immediately after admission on 16.08.2021.

5. Thereafter, the matter was taken up for hearing on 16.08.2021 and this Court directed the petitioner and the rival claimant Shantha Kumar to appear before the respondent on 18.08.2021 and the respondent was directed to resolve the dispute between the parties.



6. The matter was again taken up for hearing on 23.08.2021 and this Court passed the following order.

" Pursuant to the orders passed by this Court on 16.08.2021, it is brought to the notice of this Court that the petitioner was present before the respondent on 18.08.2021. The petitioner has also given a letter to the respondent to the effect that the matters will be amicably settled with Shanthakumar. Put this case under the same caption on 06.09.2021. In the meantime, the parties can settle the dispute among themselves and the same can be returned before the respondent to enable the respondent to take a decision."

7. When the matter was taken up for hearing today, the learned Standing Counsel appearing on behalf of the respondent submitted that, the petitioner and the above said Shanthakumar attended the enquiry and they informed the respondent that they will amicably settle the dispute among themselves. A letter to that effect was also given to the respondent. The learned Standing Counsel also circulated the proceedings of the respondent dated 18.08.2021 wherein it is found that the petitioner and the above said Shantha Kumar had settled the dispute amongst themselves in the presence of the elders and recording the same, the proceedings were closed by the respondent.

8. In view of the above, there can be no objection to restore the service connection in the subject property. The respondent had resorted to the disconnection of the electricity only due to the objections raised by one Shantha Kumar, which has now been amicably settled. Therefore, the respondent is directed to restore the service connection to the subject property immediately.

9. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

KST



To

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

+1cc to M/s.K.Sakthivel, Advocate, S.R.No.45000
+1cc to Mr.L.Jai Venkatesh, Advocate, S.R.No.44771

W.P.No.16921 of 2021
& WMP No.17915 of 2021

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