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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09-12-2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.6349 of 2014

1.M.Gnanasambandam

2.R.Srinivasan

3.R.Vishnu

4.R.Sathish

..Petitioners

vs.

1. The Assistant Engineer,
Tamil Nadu Electricity Board,
Arni - Tiruvannamalai District.

2. Hindustan Petroleum Corporation Ltd.,
Retail Outlet at - No.266, Gandhi Road,
Represented by Mr.D.Suresh Kumar-Sales Officer,
Arni Town,
Tiruvannamalai District.

3. S.Babu

..Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records in Ka.ENN.2.PO/E2U/B-VA/ARNI/Ko.PU/A.ENN 178/2013 dated 22.01.2014 on the file of the first respondent and to quash the impugned order dated 22.01.2014 and to direct the first respondent to disconnect the electricity supply in "SC.NO.240-001-220 TF-V" restored by the first respondent.

For Petitioners : Ms.P.Shanthini for
Mr.R.Karthikeyan

For Respondent-1 : Mr.L.Jaivenkatesh,
Standing Counsel for TANGEDCO.

For Respondent-2 : Mr.M.Vijayan for M/s.King and
Partridge.

For Respondent-3 : Mr.M.Boopathy



O R D E R

The order dated 22.01.2014 passed by the first respondent-Assistant Electrical Engineer, Tamil Nadu Electricity Board, is under challenge in the present writ petition.

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2. The petitioners state that they are the absolute owners of the premises situated at No.266, Gandhi Road, Arni. The subject property was a joint family property and after effecting partition, it was allotted to the petitioners. The subject property was leased out to the Hindustan Petroleum Corporation Limited for running a Retail Outlet.

3. The grievances of the petitioners are that the lease period of the subject property was expired in the year 1981 and thereafter it was not renewed by the owners of the property. The Hindustan Petroleum Corporation Limited is continuing its possession in the premises without any lease and without the permission of the original owners.

4. In order to evict the illegal occupation, another writ petition was also filed by the petitioners. However, the fact remains that the lease was not extended by the original owners and the Hindustan Petroleum Corporation Limited is in continuous possession of the subject property without any valid lease. Under those circumstances, the petitioners filed an application before the Electricity Board Authorities to disconnect the electricity service connection provided for the Hindustan Petroleum Corporation Limited. However, the said request was rejected. Thus, the petitioners are constrained to move the present writ petition.

5. The learned counsel appearing on behalf of the second respondent-Hindustan Petroleum Corporation Limited, on getting instructions, made a submission that the administrative decision had already been taken by the Authorities Competent, to close down the Retail Outlet and handed over the subject property to the petitioners, who all are the owners of the subject property. The decision had already been placed before the Board for grant of approval and it may take two or three months for getting approval from the Board.

6. In view of the fact that the Hindustan Petroleum Corporation Limited had already taken the decision and it is placed before the Board for approval, this Court is of an opinion that the grievances of the petitioners have to be redressed within a period of four months from the date of receipt of a copy of this order. In the event of not taking any such decision by the Hindustan Petroleum Corporation, then the petitioners are at liberty to file an appropriate application



for the restoration of the present writ petition.

7. Accordingly, the writ petition stands disposed of.
However, there shall be no order as to costs.

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Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

Svn

To

1. The Assistant Engineer,
Tamil Nadu Electricity Board,
Arni - Tiruvannamalai District.

+1cc to M/s.King & Partridge, Advocate, S.R.No.65408

+2cc to Mr.R.Karthikeyan, Advocate, S.R.No.65668

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CA(CO)
RGA(23/12/2021)