

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 01.02.2021
CORAM:
THE HONOURABLE MR.JUSTICE B.PUGALENDHI
W.P.No. 20011 of 2020

S.Aruna

...Petitioner

Vs.

- 1.The Superintending Engineer - TANGEDCO
Tamil Nadu Electricity Board, GST Road,
Chengalpet, Chengalpet District.
- 2.The Executive Engineer (O & M), South,
Tamil Nadu Electricity Board, GST Road,
Chengalpet, Chengalpet District.
- 3.Assistant Executive Engineer (O & M),
Tamil Nadu Electricity Board,
Bukkathurai Village & Post,
Maduranthagam Taluk,
Chengalpet District.
- 4.Junior Engineer, (O & M),
Tamil Nadu Electricity Board,
Bukkathurai Village & Post,
Maduranthagam Taluk,
Chengalpet District.

5.R.Velappan

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of writ of mandamus, directing the 1st & 4th respondents to dispose of the petitioner's representation dated 20.11.2020 and disconnect the Electricity Connection No.506-008-1048 obtained by mis-representation and forged records by the 5th respondent.

For Petitioner : Mr.Babu Muthu Meeran

For Respondents : Mr.P.Gunaraj for R1 to R4

No Appearance - R5

O R D E R

This writ petition is filed for a direction to the respondents 1 to 4 to dispose of the petitioner's representation dated 20.11.2020 and to disconnect the Electricity Connection No.506-008-1048 which stands in the name of the 5th respondent.

2. The case of the petitioner is that he is the owner of the property situated at Malaivaiyoor Village, Vaiyoor Firka, Madurantakam Taluk, Chengalpet District, comprised in Grama Natham, Survey No.47/1, measuring to an extent of 1,500 Sq.ft of land and building. The 5th respondent, who purchased the property in the adjacent land in Survey No.47/2A & 47/2B has created a document including the petitioner's portion and also obtained a service connection in Survey No.506-008-1048.

3. It is the case of the petitioner that the 5th respondent has attempted to encroach the petitioner's property. She has also filed a suit in O.S.No. 66 of 2020 before the District Munsif Court, Madurantakam and an order of interim injunction was also granted in favour of the petitioner. It is the case of the petitioner that the 5th respondent by way of a forged document, obtained electricity connection bearing No.506-008-1048 in the petitioner property and she has also made a detailed representation to the 4th respondent / Electricity Board on 20.11.2020 and the respondent has not considered the representation so far.

4. This Court, by an order dated 04.01.2020 ordered notice to the respondents. According to the learned counsel for the petitioner, the notice has been served upon the 5th respondent but his name has not been printed in the cause list. Mr.Babu Muthu Meeran, learned counsel for the petitioner confined his relief only for considering the representation by the Competent Authority to direct the respondents 2 and 3 by offering an opportunity to the 5th respondent. Since the petitioner is confined her relief only for considering her representation dated 20.11.2020 on merits by providing opportunity to the concerned parties, this writ petition is disposed of.

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5. In view of the above, this writ petition is disposed of with a direction to the respondents 2 and 3 to consider the representation of the petitioner on its merits by providing an opportunity to the 5th respondent. No costs.

-s/d-
Assistant Registrar

True Copy
Sub-Assistant Registrar

kkn
To:

- 1.The Superintending Engineer - TANGEDCO
Tamil Nadu Electricity Board, GST Road,
Chengalpet, Chengalpet District.
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Chengalpet District.
- 4.Junior Engineer, (O & M),
Tamil Nadu Electricity Board,
Bukkathurai Village & Post,
Maduranthagam Taluk,
Chengalpet District.

+1 cc to M/s.Leela & Co Advocate sr5282

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