

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.20144 of 2020
and WMP.No.24870 of 2020

A.Vijaya Pankajam

... Petitioner

Vs

1. The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
No.144, Anna Salai,
Chennai - 600 002.

2. The Assistant Executive Engineer,
TANGEDCO,
West Mambalam - II,
Chennai - 600 033.

3. Mohammed Irfan,
No.12, 43rd Street,
6th Avenue, Ashok Nagar,
Chennai - 600 083.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the second respondent to restore the electricity service connection bearing No.272-002-576 at Door No.8, Andiappa Naicker Street, Govindan Road, West Mambalam, Chennai- 600 033 which was disconnected on 01.10.2020 on the basis of the petitioner representation dated 05.10.2020 and conduct an enquiry as per order dated 05.09.2018 made in W.P.No.26543/2003 by this Hon'ble Court.

For Petitioner : Mr.C.Sathish

For R1 & R2 : Mr.P.R.Dilipkumar

O R D E R

This writ petition has been filed for a direction to the second respondent to consider the petitioner's representation

dated 05.10.2020 and to restore the electricity service connection bearing No.272-002-576 at Door No.8, Andiappa Naicker Street, Govindan Road, West Mambalam, Chennai- 600 033, which was disconnected on 01.10.2020, after conducting enquiry pursuant to the order of this Court dated 05.09.2018 passed in W.P.No.26543/2003.

2. According to the petitioner, she is the owner of the subject property, which is leased out for commercial purpose. A portion of the said property having Electricity Service Connection bearing No.272-002-576 is kept vacant from February 2020 to till date and the second respondent without any notice, disconnected the said service connection on 01.10.2020. When the same was questioned by the petitioner, it was informed that due to theft of energy and non-payment of penalty charges by the erstwhile tenant, who is the third respondent herein, disconnection was effected. The petitioner further came to know that the third respondent had filed WP.No.26543 of 2003 for the alleged theft of energy, which by order dated 05.09.2018, was disposed of by this Court, directing the respondents to give an opportunity of hearing to the petitioner therein as well as the owner of the premises and take a decision as to who actually was in fault for tampering the meter and thereafter, proceed further against the erring person. Stating that he was not impleaded in the said writ petition and he did not aware of the order so passed by this Court and hence, the disconnection effected is arbitrary, illegal and violative of the principles of natural justice, the petitioner submitted a representation dated 05.10.2020 to the second respondent requesting to restore the service connection and thereafter, conduct enquiry, pursuant to the order of this Court in WP.No.26543 of 2003. Since the said representation was not considered, she has come up with this writ petition for the aforesaid relief.

3. The learned counsel for the petitioner submitted that without conducting any enquiry and providing an opportunity of hearing to the petitioner, the second respondent has disconnected the service connection of the petitioner's property, on 01.10.2020, which is arbitrary, illegal and in violation of the principles of natural justice. Hence, the learned counsel prayed for a direction to the second respondent to restore the service connection and conduct enquiry, as directed by this Court by order dated 05.09.2018 in WP.No.26543 of 2003 by considering the petitioner's representation dated 05.10.2020.

4. On the other hand, the learned counsel for the respondents 1 and 2 fairly submitted that the respondent authorities would

provide an opportunity of hearing to the petitioner as well as any other interested parties and thereafter, pass orders, on merits, with regard to the claim of the petitioner.

5.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court, without going into the merits of the case, directs the respondent authorities to consider the petitioner's representation dated 05.10.2020 and pass appropriate orders, on merits and in accordance with law, after providing an opportunity of personal hearing to the petitioner as well as the third respondent, within a period of eight (8) weeks from the date of receipt of a copy of this order.

6.This Writ Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

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Chennai - 600 002.
2. The Assistant Executive Engineer,
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