

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.29011 of 2019

P.Palanisamy

... Petitioner

Vs.

1.The Superintending Engineer,
Office of the Superintending Engineer,
Udumalaipet Taluk, Tiruppur District.

2.The Executive Engineer,
Operation and management,
Revenue Branch,
Tamil nadu Electricity Production and Supply Department,
Angalakurichi,
Pollachi Taluk.

3.Kuppusamy

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd Respondent to consider representation of the petitioner dated 25.06.2018.

For Petitioner : Mr.M.Rajasekar

For R1 and R2 : Mr.Abdul Kalam
Standing Counsel (TNEB)

For R3 : Mr.C.Prakasam

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the 2nd Respondent to consider representation of the petitioner dated 25.06.2018.

2. The case of the petitioner is that in the year 1953, the petitioner's father and his brother Krishnasamy Gounder had purchased a property to an extent of 2 acres and 63 cents in various survey numbers including a well situated in S.F.No.75/1, Pethanayakannur, Aanaimalai, Pollachi taluk from one Kanathal and his minor son. After purchase, they obtained electricity connection and cultivated the lands and they were in absolute possession and enjoyment of the property. After the death of his

father, on representation, the electricity service connection got transferred in the name of the petitioner as well as the said Krishnasamy Gounder and they have been using the well and irrigating the lands. While being so, in the month of December 2017, the 3rd respondent obstructed the petitioner from using the water from the Well as if he is owning the service connection. The petitioner on enquiry came to know that the service connection got changed in the name of the 3rd respondent and the same also verified with the office of the 2nd respondent. Therefore, the petitioner has made representation to the 2nd respondent on 25.06.2018 and in reply on 18.03.2019, the 2nd respondent has sent a communication stating that they had already called for an explanation from the 3rd respondent and on receipt of the same, appropriate orders will be passed on the said representation. However, till date the 2nd respondent neither conducted enquiry nor considered the petitioner's representation. Hence, the petitioner is constrained to approach this Court by filing this Writ Petition.

3. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the 2nd respondent to consider the petitioner's representation dated 25.06.2018 and pass orders on the same within a particular time frame fixed by this Court.

4. The learned Government Advocate has no objection for said order being passed and submitted that the petitioner's representation will be considered in the manner known to law.

5. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case directs the 2nd respondent to consider the petitioner's representation dated 25.06.2018 on merits and in accordance with law, after affording opportunity of personal hearing to the petitioner and the 3rd respondent and pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order. This writ petition is accordingly disposed of. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintending Engineer,
Office of the Superintending Engineer,
Udumalaipet Taluk, Tiruppur District.
2. The Executive Engineer,
Operation and management,
Revenue Branch,
Tamil nadu Electricity Production and Supply Department,
Angalakurichi,
Pollachi Taluk.

+lcc to Mr.C.Prakasam, Advocate, S.R.No.66716

+lcc to Mr.M.Rajasekar, Advocate, S.R.No.65608

W.P.No.29011 of 2019

SMI (CO)
CT 24/01/2022