



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.35633 OF 2019

R.Selvi

... Petitioner

.Vs.

1. The Chairman Cum Managing Director TANGEDCO,
10th Floor, NPKRR Maaligai,
144, Annai Salai,
Chennai - 600 002.

2. The Assistant Engineer, TANGEDCO,
47, Sivan Koil Street,
Ganga Nagar,
Bharatheswarar Colony,
Kodambakkam, Chennai - 600 024.

3. Antony Raj

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus or other appropriate writ or order in the nature of writ directing the respondent to consider and dispose of any representation dated 06.12.2019 by cancelling the three phased electricity connection being wrongfully supplied to the 3rd Respondent.

For Petitioner : M/s.P.Arasammal

For Respondent R1 and R2 : Mr.L.Jai Venkatesh

For Respondent R3 : No Appearance

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondent to consider and dispose of any representation dated 06.12.2019 by cancelling the three phased electricity connection being wrongfully supplied to the 3rd Respondent.



2.The case of the petitioner is that the petitioner's mother Late Smt.Navamani Chandra Gunaseeli had executed will in favour of the petitioner. After the demise of the petitioner's mother, the property devolved upon the petitioner as per the will. The petitioner's brother/3rd respondent, immediately after the demise of the petitioner's mother, began to harass the petitioner demanding 1/3rd share in the property and also trespassed into the property and built a construction without consent of the petitioner and illegally changed the electricity connection, corporation tax and water tax to his name by using forged documents with an intention to establish his share in the property. Hence, the petitioner lodged a complaint before R8 Vadapalani police station against the 3rd respondent and no enquiry was conducted. Thereafter, the petitioner sent representations to Tamil Nadu Electricity board on 14.02.2019 regarding the above said issue and to the District Collector of Chennai on 04.03.2019 and 25.08.2019 regarding the forged certificate.

3.It is further submitted that, he received a report from the Tahsildar officer under RTI confirming that the legal heir certificate obtained by the 3rd respondent was forged one and on 04.10.2019, the concerned authorities duly transferred the property tax details back to the name of the petitioner's mother. Also the Tamilnadu Electricity Board sent a notice to 3rd respondent on 14.08.2019 to show cause that the legal heir certificate used by him was an original one, failing which the change of name in the electricity connection will stand cancelled. Thereafter, the EB authorities assured that the three phased electricity connection bearing EB connection No.239-066-174 supplied to the 3rd respondent would be cancelled. However, the three phased electricity connection is still being supplied, aggrieved by which the petitioner sent a representation on 06.12.2019 to cancel the three phased electricity supplied to the 3rd respondent which was obtained by the 3rd respondent using forged certificates. However, the same has not yet been considered. Hence, this writ petition.

4. The learned counsel appearing for the petitioner submitted that without going into the merits of the case, it would suffice, if this Court issues direction to the respondents to consider the petitioner's representation dated 06.12.2019 and to pass appropriate orders.

5.The learned counsel appearing for the second respondent submitted that already the Electricity board conducted enquiry



and since the legal heir certificate was cancelled by the Revenue officials, the three phased electricity connection on the name of the 3rd respondent was duly cancelled and the electricity service connection bearing EB No.239-066-174 was changed back to the name of the original owner, A.Navamani Chandra Gunaseeli/petitioner's mother on 29.10.2019 and there is no service connection in the name of the third respondent. He further submitted that if any service connection still exists in the name of the third respondent, it is open to the petitioner to file appropriate application before the second respondent and if any such application is received, the second respondent will enquire into the application and pass appropriate orders. It is further submitted that the 3rd respondent applied only for name transfer of the existing electricity connection bearing EB No.239-066-174 and no new electricity service connection has been provided.

6. The learned counsel appearing for the third respondent submitted that during the pendency of the writ petition, the 3rd respondent passed away. He further submitted the third respondent is the brother of the petitioner and he has no serious objection in the above said submission.

7. Heard the arguments advanced on either side.

8. Recording the submissions made by the Learned counsel for the respondent, since the electricity connection was already cancelled and was restored back in the name of original owner A.Navamani Chandra Gunaseeli/petitioner's mother, the prayer in this writ petition no longer survives. However, if the grievance of the petitioner continues, the petitioner may give a representation to the second respondent and if the said representation is made, the second respondent may enquire and pass appropriate orders in accordance with law after hearing the legal heirs of the third respondent as expeditiously as possible.

8. Accordingly, this Writ petition is disposed of.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

skt



To

1. The Chairman Cum Managing Director TANGEDCO,
10th Floor, NPKRR Maaligai,
144, Annai Salai,
Chennai - 600 002.
2. The Assistant Engineer, TANGEDCO,
47, Sivan Koil Street,
Ganga Nagar,
Bharatheswarar Colony,
Kodambakkam, Chennai - 600 024.

+1cc to Mr.D.Prasanna, Advocate, S.R.No.57544
+1cc to Mr.L.Jai Venkatesh, Advocate, S.R.No.57396
+1cc to M/S.Row & Reddy, Advocate, S.R.No.57386

W.P.No.35633 of 2019

NR(CO)
PM/07/12/2021