



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.02.2021

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 1130 of 2015 and

M.P. (MD) Nos. 1 & 2 of 2015

WEB COPY

R.M.Somasundaram

... Petitioner

Vs.

1. The Assistant Engineer,
O&M/TANGEDCO/Panthiya Thidal,
K.Pudhur, Madurai.

2. R.M.Vijayalakshmi

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the first respondent in K.No.AE/Distn/PaThi/Ko.KNu/A.No.265/15 dated 21.01.2015 and quash the same passed by the first respondent and consequently direct the respondents not to interfere with the peaceful enjoyment of the service connections 002-005-1858 and 002-005-1859.

For Petitioner	:	Mr.S.Kadarkarai
For R-1	:	Mr.E.P.Venkateshwar, for Mr.S.M.S.Johny Basha.
For R-2	:	No appearance.

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Standing counsel appearing for the first respondent.

2. Though the name of the second respondent is printed in the cause list and she has also been served, there is no appearance on her behalf.

3. The petitioner is none other than the son of the second respondent. The property in question originally belonged to his father Late.S.P.Ramasamy. Before his demise, he is said to have executed a settlement deed in favour of the second respondent. The petitioner's counsel would state that the petitioner has been given some share in the property. It appears that as on date the petitioner is in occupation of the property bearing Door No.4, Thalakulam, Thirumakulam South Street, Thalakulam, Madurai. The petitioner has taken two service connections in the name of his mother. The mother has given a complaint that she did not affix her signature in the applications. That led to the issuance of the impugned order whereby the petitioner was called upon to offer his explanation. He has also been threatened with disconnection.



4. When the matter was taken up for final hearing, the learned counsel states that following the interim order granted by this Court, the petitioner's service connection has been protected. Though the petitioner would strongly deny the allegation of forgery, in order to give a quietus to the issue, the petitioner states that he would apply for two fresh service connections in his name (One under the domestic category and the other under the commercial category for running the tailoring unit).

5. The petitioner states that he will make such an application within a period of two weeks from the date of receipt of a copy of this order. The first respondent or the competent authority is directed to consider the said application under Regulation 27 of Tamil Nadu Electricity Distribution Code and grant service connection as sought for. Of course the petitioner will have to fulfill all the usual formalities. Till the petitioner is granted such new connection, existing connection will not be disturbed and after the new two service connections are given, the existing service connection can be disconnected. If some dispute has arisen between the parties, the same will abide by the outcome of the decree to be passed by the jurisdictional civil Court.

6. This writ petition stands disposed of on these terms. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pmu

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

The Assistant Engineer,
O&M/TANGEDCO/Panthiya Thidal, K. Pudhur, Madurai.

+1 CC to M/s.S.KADARKARAI, Advocate (SR-4781[F] dated 12/02/2021)

W.P. (MD) No. 1130 of 2015

11.02.2021

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