



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.12.2021

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) .No.20836 of 2021

and

W.M.P (MD) .No.17453 of 2021

S.R.Velmurugan

... Petitioner

Vs.

1.The Assistant Engineer,
Bagampur Section,
Tamil Nadu Electricity Board,
Dindigul,
Dindigul District.

2.The Assistant Engineer/Junior Engineer,
Operation and Maintenance,
Tamil Nadu Electricity Board,
Dindigul,
Dindigul District.

3.The Executive Engineer/Assistant Account Officer,
Tamil Nadu Electricity Board,
Dindigul,
Dindigul District.

4.A.Ponnusamy Selvamani

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the first respondent herein in L.R.No.AE/JE/O& M/F.Name Transfer/D.No. /2019-2020, dated 22.11.2019 and quash the same and consequently directing the respondents 1 to 3 to restore the electricity service connection in SC No.2030041603 (Tarif LA1A) in the name of the petitioner within the time stipulated by this Court.

For Petitioner : Mr.M.Muthugeethayan

For R-1 to R-3 : Mrs.M.Rajeswari,
for Mr.S.M.S.Johnny Basha,
Standing Counsel.



ORDER

The Writ Petition has been filed in the nature of Certiorarified Mandamus seeking interference with an order passed by the first respondent / the Assistant Engineer, Bagampur Section, Tamil Nadu Electricity Board, Dindigul District dated 22.11.2019 effecting transfer of electricity connection from the name of the petitioner to the name of the fourth respondent and to set aside the same. A further relief is sought to restore the name of the electricity connection in the name of the petitioner.

2. A representation had been given by the fourth respondent, A.Ponnusamy Selvamani, son of Antony to the first respondent / the Assistant Engineer, Bagampur Section, Tamil Nadu Electricity Board, Dindigul District, claiming that since he had purchased the property under question, the electricity service connection standing in the name of the petitioner should be transferred to his name.

3. The grievance raised by the learned counsel for the petitioner is that without putting the petitioner on notice, such name transfer had been effected. This has necessitated in filing the present Writ Petition.

4. Let me direct the first respondent to issue notice not only to the petitioner but also to the fourth respondent, hear both sides, examine the documents presented by both of them, determine as to the name in which the service connection should be given and thereafter, if it is to be given in the name of the petitioner, restore the name of the electricity connection to that of the petitioner and if it is to be given in the name of the fourth respondent, maintain the order already passed. At any rate, an order of that nature should be passed following principles of natural justice by hearing the petitioner and also the fourth respondent. Since a direction is given, the order now complained of is set aside by giving a direction to the first respondent to re-examine and re-visit the order and pass necessary orders in manner known to law on or before 21.01.2022.

5. Court notice had been originally directed to the fourth respondent but the same had been returned as insufficient address and private notice was also directed and proof of service had been filed indicating that the notice issued to A.Ponnusamy Selvamani had been returned as door locked / insufficient address. In view of that particular fact, holding the Writ Petition further on the file of this Court awaiting appearance would only be an exercise in futility and therefore, orders are passed in the Writ Petition itself by placing an obligation on the first respondent to issue notice to the fourth respondent prior to passing any order.



6. With the said observations, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm/Nsr

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

- 1.The Assistant Engineer,
Bagampur Section,
Tamil Nadu Electricity Board,
Dindigul,
Dindigul District.
- 2.The Assistant Engineer/Junior Engineer,
Operation and Maintenance,
Tamil Nadu Electricity Board,
Dindigul,
Dindigul District.
- 3.The Executive Engineer/Assistant Account Officer,
Tamil Nadu Electricity Board,
Dindigul,
Dindigul District.

+1 CC to M/s.M.MUTHUGEETHAYAN, Advocate (SR-39140[F] dated 16/12/2021)

**W.P. (MD) .No.20836 of 2021
16.12.2021**

RD(7.01.2022) 3P 5C