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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.293 OF 2022

AND

W.M.P.NO.318 OF 2022

N.Rangasamy

... Petitioner

.Vs.

1. The Tamil Nadu Generation and
Distribution Corporation Ltd.,
(TANGEDCO),
Rep. by its Chairman,
No.144, Anna Salai,
Chennai - 600 002.
 2. The Tamil Nadu Generation and
Distribution Corporation Ltd.,
(TANGEDCO),
Rep. by its Executive Engineer (O&M),
CEDC/North, Mettupalayam,
Coimbatore District - 641 301.
 3. The Tamil Nadu Generation and
Distribution Corporation Ltd.,
(TANGEDCO),
Rep. by its Assistant Executive Engineer,
CEDC/North, Operation and Maintenance (South),
Annur, Coimbatore District.
 4. K.Palanisamy
- ... Respondents

PRAYER:-

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus Forbearing the Respondents 1 to 3 from effecting the Electricity Service connection to the bore well in Survey No.761/3 of the 4th Respondent through the lands of the petitioner in Survey Numbers 764/1, 764/3 and 764/4 at S.Kurumbapalayam, Karegoundenpalayam, Annur Taluk, coimbatore District, by considering and passing speaking orders on the



written Representation of the petitioners daughters dated 26.04.2021 after affording a reasonable opportunity to the petitioner in accordance with the provisions of the Electricity Act 2003 and provisions of the Electricity Distribution Code 2004.

For Petitioner : Mr.K.Selvaraj

For RR1 to RR3 : Mr.Abdul Kalam
Standing Counsel

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus to Forbear the Respondents 1 to 3 from effecting the Electricity Service connection to the bore well in Survey No.761/3 of the 4th Respondent through the lands of the petitioner in Survey Numbers 764/1, 764/3 and 764/4 at S.Kurumbapalayam, Karegoundenpalayam, Annur Taluk, coimbatore District, by considering and passing speaking orders on the written Representation of the petitioners daughters dated 26.04.2021 after affording a reasonable opportunity to the petitioner in accordance with the provisions of the Electricity Act 2003 and provisions of the Electricity Distribution Code 2004.

2. The case of the petitioner is that vide a Registered Partition Deed dated 29.07.1987, the petitioner and his three brothers and the petitioner's paternal Uncle, have partitioned their ancestral properteis and the 'B' Schedule property was given to the petitioner's family and the petitioner and his family members are cultivating the lands allotted to their share under the said Partition Deed. The 4th respondent has illegally and by forging the signature of the petitioner and 3 others in a No Objection Certificate dated 20.05.2019 has got electricity service connection for his poultry farm in S.F.No.767/2, through the lands of the petitioner and 3 other. On coming to know of the said illegal action of the 4th respondent, the petitioner's daughter has made several representations to the respondents 1 to 3 and thereafter on enquiry, it was found that the No Objection Certificate dated 20.05.2019 was fabricated by the 4th respondent by forging the signature of the petitioner and others and thereby, the respondents 1 to 3 have disconnected the electricity service connection. While being so, the 4th respondent has recently submitted an application for grant of electricity service connection to his waterless bore well through the lands of the petitioner. The petitioner through his daughters have submitted a representation dated 26.04.2021 to the respondents 2 and 3 requesting them not to grant electricity



service connection to the bore well of the 4th respondent through the lands of the petitioner. Though the respondents 2 and 3 have received the written objection of the petitioner's daughters on 26.04.2021, they have not considered the same and hence the petitioner is before this Court.

3. The learned counsel appearing for the petitioner submitted that it would suffice if this Court issues direction to the 3rd respondent to consider the written representation dated 26.04.2021 and pass orders on the same within a particular time frame fixed by this Court.

4. The learned Standing Counsel (TNEB) has no objection for said order being passed.

5. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case directs the 3rd respondent to consider the petitioner's written representation dated 26.04.2021 on merits and in accordance with law and pass appropriate orders after affording opportunity of hearing to the 4th respondent, within a period of twelve weeks from the date of receipt of a copy of this order. This writ petition is accordingly disposed of. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman,
The Tamil Nadu Generation and
Distribution Corporation Ltd.,
(TANGEDCO),
No.144, Anna Salai,
Chennai - 600 002.
2. The Executive Engineer (O&M),
The Tamil Nadu Generation and
Distribution Corporation Ltd.,
(TANGEDCO),
CEDC/North, Mettupalayam,
Coimbatore District - 641 301.



3. The Assistant Executive Engineer,
The Tamil Nadu Generation and
Distribution Corporation Ltd.,
(TANGEDCO), CEDC/North,
Operation and Maintenance (South),
Annur, Coimbatore District.

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+1cc to Mr.K.Selvaraj, Advocate, S.R.No.3755

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MT (CO)
PBS/18/02/2022