

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.17716 of 2011

S.Rajeswari

... Petitioner

Vs.

1. The Executive Engineer,
Tiruppur Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Tiruppur.
2. The Assistant Executive Engineer,
Tiruppur Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Tirupur Rural, Tiruppur.
3. The Assistant Electrical Engineer,
Tiruppur Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Peruntholuvu,
Tiruppur District.

4.Thangaraj

...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 disconnecting the petitioner's electricity service connection in S.C.No.218-001-1751 without conducting proper enquiry.

For Petitioner : Mr.C.Prakasam
For RR1 to R3 : Mr.L.Jaivenkatesh
Standing Counsel

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus forbearing the respondents 1 to 3 from disconnecting the petitioner's electricity service connection in S.C.No.218-001-1751 without conducting proper enquiry.

2. The case of the petitioner is that the petitioner had purchased the vacant house site to the extent of 3.5 cents situated in S.F.No.194/1, Thonguttipalayam Village, Tiruppur District from one N.Duraisamy and A.Viswanathan. However there was a dispute arose between the petitioner's vendor and one Thangaraj, who claimed that the lands situated in S.F.no.671/8 and 671/9 in respect of ownership and patta and there was series of litigation arose between the parties for the said disputed property. When the matter was before the Commissioner of Land Administration by way of Revision Petition, the said official directed the Tahsildar, Tiruppur to demarcate the disputed land in S.F.No.671/8 and 9. Since, the Tahsildar, did not take steps to demarcate the property, the said Thangaraj approached this Court by filing W.P.No.1161/2011, wherein the petitioner was not impleaded as one of the respondent. While being so, the petitioner herein had also obtained electricity service connection on 17.12.2010 for his property. Subsequently the said Thangaraj made objections as if he filed the writ petition before this Court and believing the same, the 3rd respondent has issued notice on 14.06.2011, directing the petitioner to resolve the above writ petitioner and to produce the documents for not to disconnect the service connection. Aggrieved by the same, the present petition is filed.

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 3rd respondent to consider the petitioner's representation dated 23.07.2011 and pass orders on the same within a particular time frame fixed by this Court.

4. The learned Standing Counsel appearing for the official respondents has no objection for the 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 representation dated 23.07.2011 on merits and in accordance with law and pass appropriate orders, 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.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

sk

To

1. The Executive Engineer,
Tiruppur Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Tiruppur.
2. The Assistant Executive Engineer,
Tiruppur Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Tirupur Rural, Tiruppur.
3. The Assistant Electrical Engineer,
Tiruppur Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Peruntholuvu,
Tiruppur District.

+1cc to Mr.P.M.Duraiswamy, Advocate, S.R.No.10984

W.P.No.17716 of 2011

AK(CO)
CT 18/03/2022