



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.11710 of 2022
and
W.M.P.No.11171 of 2022

D.Antony

...Petitioner

Versus

1. The Executive Engineer,
Thiruvannamipur, Tamil Nadu Electricity Board,
Chennai 600 041.
2. The Asst. Engineer,
Injambakkam South-II,
Tamil Nadu Electricity Board, Chennai 600 115.
3. M.Thiagarajan

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue writ of Mandamus directing the respondents 1 and 2 to restore the electricity connection No.09-218-014-309.

For Petitioner : Mr.J.Justin

For Respondents : Mr.Jaivenkatesh
Stdg. Counsel for RR 1 and 2

ORDER

This writ petition has been filed for a mandamus seeking for a direction to the respondents 1 and 2 to restore electricity service connection in favour of the petitioner.

2. The petitioner claims that he is the absolute owner of the property. According to him, at the behest of the third respondent, arbitrarily and illegally the petitioner's electricity service connection has been disconnected. The petitioner has given a representation to the official



respondents seeking for restoration of his electricity service connection. Since the said representation has not been considered till date, the petitioner has filed this writ petition.

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3. Heard Mr.J.Justin, learned counsel for the petitioner and Mr.Jaivenkates, learned Standing Counsel accepts notice for the respondents 1 and 2, who, on instructions, submits that based on the representation made by the third respondent, the electricity service connection granted to the petitioner was disconnected. He further submits that in the enquiry proceedings conducted on the representation made by the third respondent, notice was issued to the petitioner calling upon him to come for an enquiry, but, he failed to appear for the said enquiry and only thereafter, final orders were passed to disconnect the electricity service connection, which stood in the name of the petitioner. However, the same has been disputed by the learned counsel for the petitioner, who submits that a reply was sent to the notice received from the official respondents. Despite the same, without considering the said reply, final orders have been passed illegally disconnecting the electricity service connection standing in the name of the petitioner.

4. The petitioner's electricity service connection was disconnected in the month of March 2022 after enquiry. No positive direction can be passed by this Court without hearing the third respondent, who had given a complaint to the official respondents requesting them to disconnect the electricity service connection standing in the name of the petitioner. The only relief that can be granted by this Court at this stage is to direct the second respondent to consider the petitioner's representation dated 19.03.2022 requesting the second respondent to restore the electricity service connection in favour of the petitioner and pass final orders after affording a fair hearing to the petitioner as well as the third respondent within a time frame to be fixed by this Court. No prejudice would be caused to the respondents if such an exercise is done.

5. For the foregoing reasons, this Court directs the second respondent to pass final orders on the petitioner's representation dated 19.03.2022 requesting the second respondent to restore his electricity service connection within a period of eight weeks from the date of receipt of a copy of this order after affording a fair hearing to the petitioner and the third respondent, including granting them the right of personal hearing.



6. With the aforesaid direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CS III)

/True Copy//

Sub Assistant Registrar

Sr.No.

To

1. The Executive Engineer,
Thiruvannamiyur, Tamil Nadu Electricity Board,
Chennai 600 041.
2. The Asst. Engineer,
Injambakkam South-II,
Tamil Nadu Electricity Board,
Chennai 600 115.

+1cc to Mr.Jaivenkatesh, Advocate, S.R.No.32319
+1cc to Mr.J.Justin, Advocate, S.R.No.35450(20/06/2022)

W.P. No.11710 of 2022

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NSK/13/06/2022