



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:11.03.2022

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.4377 of 2022

R.Perumalsamy

... Petitioner

/Vs./

1. The Chairman cum Managing Director,
TANGEDCO,
No.144, Anna Salai,
NPKRR Maligai, Chennai-600 002.
2. The Chief Engineer,
TANGEDCO,
Tirunelveli Region,
Maharaja Nagar,
Tirunelveli-627 011.
3. The Executive Engineer,
Operation & Maintenance/Rajapalayam,
TANGEDCO, Ponnagaram,
Rajapalayam-626 108,
Virudhunagar District.
4. The Assistant Engineer,
TANGEDCO,
Keezha Rajakularaman,
Virudhunagar District.
5. The Superintending Engineer,
TANGEDCO,
Virudhunagar Distribution Circle,
Ramamoorthy Road,
Virudhunagar-626 001.

6. Venugopalan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 3 to 5 to disconnect the Electricity Supply Connection in Service Connection No.298-016-978111A (1), given to the 6th respondent, on the basis of the petitioner's representation dated 05.01.2022.

For Petitioner : Mr.G.Sridharan
For Respondents : Mr.S.Deenadhayalan
Standing Counsel
for R1 to R5



ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents 3 to 5 to disconnect the Electricity Supply Connection in Service Connection No.298-016-978111A (1), given to the 6th respondent, on the basis of the petitioner's representation dated 05.01.2022, within a time frame to be fixed by this Court.

2.The case of the petitioner is that the aforementioned property for which electricity service connection has been obtained by the sixth respondent is a joint family property and that the sixth respondent is his brother. According to the petitioner, the patta, even now, is standing in the name of the petitioner's father. But, according to him, the sixth respondent illegally obtained electricity service connection in his name. The petitioner has submitted a representation on 05.01.2022 to the official respondents calling upon them to disconnect the electricity service connection now standing in the name of the sixth respondent. Since the said representation has not been considered till date, he has filed this writ petition.

3.Heard Mr.G.Sridharan, learned Counsel for the writ petitioner and Mr.S.Deenadhayalan, learned Standing Counsel, who accepts notice on behalf of the respondents 1 to 5.

4.The petitioner has filed a copy of the patta standing in patta No.1681 in the name of the petitioner's father. His contention is that without consent of the petitioner, the sixth respondent, who is his brother, has obtained electricity service connection for the subject property. He has given a representation on 05.01.2022 requesting the official respondents to disconnect the electricity service connection granted to the sixth respondent. Admittedly, the said representation has not been considered till date.

5.The learned Standing Counsel appearing for the respondents 1 to 5, on instructions, would submit that earlier, electricity service connection was granted in the year 2013 and due to the change of tariff, it was once again granted in the year 2014. According to them, ever since 2013, electricity service connection stands only in the name of the sixth respondent. The same is recorded.

6.However, this Court is of the considered view that no prejudice would be caused to the official respondents, if the representation of the petitioner is considered on merits and in accordance with law, after affording a fair hearing to the petitioner and the sixth respondent by permitting the petitioner to



produce documentary evidence in support of his claim that the sixth respondent is not entitled for electricity service connection.

7.For the foregoing reasons, this Court directs the fourth respondent to consider the petitioner's representation dated 05.01.2022 requesting the fourth respondent to disconnect the electricity service connection in Service Connection No.298-016-978111A (1), given to the 6th respondent and pass final orders, on merits and in accordance with law, after affording a fair hearing to the petitioner and the sixth respondent including permitting the petitioner as well as the sixth respondent to produce all the relevant documents / records in support of their respective contentions, within a period of twelve [12] weeks from the date of receipt of a copy of this order.

8.With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (Cr1.Side)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To:

The Assistant Engineer,
TANGEDCO,
Keezha Rajakularaman,
Virudhunagar District.

+1 CC to M/s.G.SRIDHARAN, Advocate (SR-11672[F] dated 11/03/2022)

+1 CC to M/s.S.DEENADHAYALAN, Advocate (SR-12317[F] dated 15/03/2022)

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RD(28.03.2022) 3P 4C