



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2022

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THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD) .No.8247 of 2022

and

W.M.P. (MD) .No.6146 of 2022

WEB COPY

1.N.R.Krishnamoorthy Raja

2.N.K.Rajai

... Petitioners

Vs.

1.The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
(TANGEDCO) Theni EDC,
Theni TNEB Complex,
NRT Nagar Main Road,
Theni - 625 531.

2.The Executive Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
(TANGEDCO) Theni Town,
TNEB Complex,
NRT Nagar Main Road,
Theni District.

3.The Assistant Executive Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
(TANGEDCO) Theni Town,
TNEB Complex,
NRT Nagar Main Road,
Theni District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, by directing the respondents to cancel/recall the change of EB service connection regarding Door No.13 and 14 in Survey No.518/2A2 part in Ayan Survey No.518, Pappuraja Old Line Street, Ward No.25, Allinagaram Village, Theni-Allinagaram Municipality, Theni District as sought for by the petitioners in the representations dated 13.04.2022 and notice dated 19.04.2022 and restore the service connections in the name of the petitioners herein and pass order on the representation of the petitioners.

For Petitioners

: Mrs.Vijayakumari Natarajan

For Respondents

: Mr.S.Deenadhayalan,

Standing Counsel.



ORDER

This Writ Petition has been filed for a Mandamus seeking for a direction to the respondents to cancel/recall the change of EB service connection for the property bearing Door Nos.13 and 14 in Survey No.518/2A2 part in Ayan Survey No.518, Pappuraja Old Line Street, Ward No.25, Allinagaram Village, Theni-Allinagaram Municipality, Theni District based on the petitioners' representation dated 13.04.2022 within a time frame to be fixed by this Court.

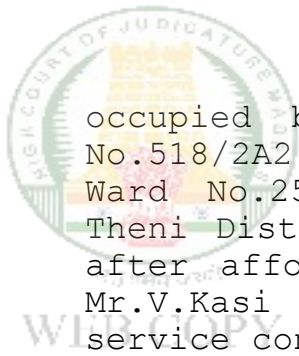
2. According to the petitioners, they are the absolute owners of the aforementioned property. They were granted electricity service connection by the respondents through Service Connection Nos.138 and 139. According to them, they are in possession of the said premises for the past 30 years. However, according to the petitioners, without giving any notice to them, the respondents have now transferred the electricity service connection in favour of V.Kasi Mayan and D.Ramesh in the month of March 2022. In such circumstances, the second petitioner has given a representation on 13.04.2022 to the respondents requesting them to cancel/recall the change of EB service connection for the aforementioned property. Since the said representation has not been considered till date, the petitioners have filed this Writ Petition.

3. Heard Mrs.Vijayakumari Natarajan, learned counsel for the petitioners and Mr.S.Deenadhayalan, learned Standing Counsel, who accepts notice on behalf of the respondents.

4. Mr.S.Deenadhayalan, learned Standing Counsel for the respondents, at the outset, would submit that the persons, in whose names the electricity service connection has been transferred, have not been impleaded as party respondents in this Writ Petition. He would further submit that only based on a registered sale deed standing in their names, the electricity service connection was transferred.

5. However, the same is disputed by the learned counsel for the petitioners. She would contend that for the past 30 years, the petitioners are in possession and enjoyment of the subject property and electricity service connection also stood in their names for a long period of years. She has also produced the receipts standing in the name of the petitioners for payment of electricity charges to the respondents.

6. After giving due consideration to the submissions made by the respective counsels, this Court is of the considered view that no prejudice would be caused to the respondents, if the petitioners' representations dated 13.04.2022 and 19.04.2022, seeking for cancellation/recall of the change of EB service connection granted in favour of V.Kasi Mayan and D.Ramesh for the very same property



occupied by the petitioners at Door Nos.13 and 14 in Survey No.518/2A2 part in Ayan Survey No.518, Pappuraja Old Line Street, Ward No.25, Allinagaram Village, Theni-Allinagaram Municipality, Theni District, is considered on merits and in accordance with law after affording a fair hearing to the petitioners as well as to Mr.V.Kasi Mayan and Mr.D.Ramesh, in whose names, the electricity service connection has now been transferred by the respondents.

7. For the foregoing reasons, this Court directs the third respondent to consider the petitioners' representations dated 13.04.2022 and 19.04.2022 seeking for cancellation/recall of the change of EB service connection granted in favour of V.Kasi Mayan and D.Ramesh in respect of the property bearing Door Nos.13 and 14 in Survey No.518/2A2 part in Ayan Survey No.518, Pappuraja Old Line Street, Ward No.25, Allinagaram Village, Theni-Allinagaram Municipality, Theni District and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioners as well as to Mr.V.Kasi Mayan and Mr.D.Ramesh including granting them the right of personal hearing, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

8. With the aforesaid direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently connected miscellaneous petition stands closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
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Theni - 625 531.

2.The Executive Engineer,
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TNEB Complex,
NRT Nagar Main Road,
Theni - 625 531.

<https://hcservices.ecourt.gov.in/hcservices>



3.The Assistant Executive Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
(TANGEDCO) Theni Town,
TNEB Complex,
NRT Nagar Main Road,
Theni District.

+1 CC to M/s.S. NATARAJAN, Advocate (SR-21676[F] dated 27/04/2022)

+1 CC to M/s.S. DEENADHAYALAN, Advocate (SR-21946[F] dated
28/04/2022)

**W.P. (MD) .No.8247 of 2022
27.04.2022**

MGJ(16.05.2022) 4P 6C