



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2022

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.8472 of 2022

Gunasekaran

... Petitioner

/Vs./

1.The Executive Engineer,
Tamil Nadu Electricity Generation and
Distribution Corporation (TANGEDCO),
Thanjavur District.

2.The Assistant Engineer,
Operation & Maintenance,
Tamil Nadu Electricity Generation and
Distribution Corporation (TANGEDCO),
Nadukkavery, Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to disconnect the Electricity Connection No.412006477 (tariff-LM41) in S.No.158/5 situated in Varagur, Thiruvaiyaru Taluk, Thanjavur District on the basis of the petitioner's representation dated 06.01.2022 within time frame as may be fixed by this Court.

For Petitioner : Mr.V.Vilma Remy

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 disconnect the Electricity Connection No.412006477 (tariff-LM41) in S.No.158/5 situated in Varagur, Thiruvaiyaru Taluk, Thanjavur District, based on the petitioner's representation dated 06.01.2022 within a time frame to be fixed by this Court.

2.According to the petitioner, he has sold the aforementioned property to a person by name, Mr.M.Rengarajan under sale deed dated 05.10.2020 along with the electricity service connection. However, it is the contention of the petitioner that the electricity service connection is being misused causing nuisance to the neighbouring land owners. According to the petitioner, since the electricity service connection still continues to stand in the name of the petitioner, he will be liable for the misuse of the electricity service connection by the aforesaid person, Mr.M.Rengarajan. In such circumstances, the petitioner has given a representation on 06.01.2022 to the respondents seeking for disconnection of the electricity service connection. Since the said representation has not been considered till date, this writ petition has been filed.



3. Heard Mr.V.Vilma Rexy, learned Counsel for the writ petitioner and Mr.S.Deenadhayalan, learned Standing Counsel, who accepts notice on behalf of the respondents.

4. The learned counsel appearing for the petitioner also drew the attention of this Court to the sale deed as well as the schedules contained therein.

5. The learned Standing Counsel appearing on behalf of the respondent, on instructions, would submit that along with the electricity service connection, the property was sold by the petitioner under the sale deed dated 05.10.2020 and that the electricity service connection also stands transferred to Mr.M.Rengarajan. Therefore, according to him, the petitioner does not have any locus standi to file this writ petition. The same is recorded.

6. However, the learned counsel appearing for the petitioner contends that since new electricity service connection continues to stand in the name of the petitioner, he may be held responsible for the same.

7. No prejudice would be caused to the second respondent, if the petitioner's representation is considered on merits and in accordance with law, after affording a fair hearing to the petitioner, Mr.M.Rengarajan and any other necessary party, whom the second respondent deems fit to enquire.

8. For the foregoing reasons, this Court directs the second respondent to pass final orders on the petitioner's representation dated 06.01.2022 seeking for disconnection of the Electricity Connection No.412006477 (tariff-LM41) in S.No.158/5 situated in Varagur, Thiruvaiyaru Taluk, Thanjavur District, on merits and in accordance with law, after affording a fair hearing to the petitioner, Mr.M.Rengarajan and any other necessary party, whom the second respondent deems fit to enquire, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

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To

1.The Executive Engineer,
Tamil Nadu Electricity Generation and
Distribution Corporation (TANGEDCO),
Thanjavur District.

2.The Assistant Engineer,
Operation & Maintenance,
Tamil Nadu Electricity Generation and
Distribution Corporation (TANGEDCO),
Nadukkavery, Thanjavur District.

+1 CC to M/s.S. DEENADHAYALAN, Advocate (SR-22165[F] dated
28/04/2022)

+1 CC to M/s.V. VIMAREXY, Advocate (SR-22455[F] dated 29/04/2022)

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28.04.2022

MGJ(19.05.2022) 3P 5C