



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.22894 of 2015

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P.Arumugam
S/o. Peratchi Chettiar,
Kanyakumari Inspector,
Thiruvavavadudurai Athinam,
Susindram, Kanyakumari District. ... Petitioner

Vs.

1.The Executive Engineer, (Distribution),
Tamil Nadu Electricity Board,
Vallioor, Tirunelveli District.

2.The Junior Engineer, (Distribution),
Tamil Nadu Electricity Board,
Therukku, Kallikulam,
Tirunelveli District.

3.The Panchayat President,
Kalanthapanai,
South Vallioor, Tirunelveli District.

4.Lakshmanadoss ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 and 2 to consider the representation dated 02.12.2015 and to disconnect the EB connection in E.B.No.066/012/588.

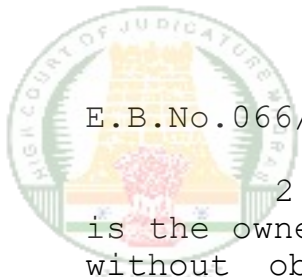
For Petitioner : Mr.M.Ramu

For R1 & R2 : Mr.S.Deenadhayalan
Standing Counsel

For R-3 & R-4 : No Appearance

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the respondents 1 and 2 to consider the representation of the petitioner dated 02.12.2015 requesting the respondents 1 and 2 to disconnect the EB connection in



E.B.No.066/012/588 granted to the fourth respondent.

2. According to the petitioner, the petitioner / Athinam is the owner of the property. It is the case of the petitioner that without obtaining No Objection from the petitioner, the fourth respondent has obtained electricity service connection from the respondents 1 and 2. In such circumstances, the petitioner has given a representation, dated 02.12.2015 to the official respondents calling upon them to disconnect the electricity service connection granted to the fourth respondent. Since the said representation has not been considered till date, the petitioner has filed this writ petition.

3. Heard Mr.M.Ramu, learned counsel appearing for the petitioner, Mr.S.Deenadhayalan, learned Standing Counsel appearing for the respondents 1 and 2. The fourth respondent has been duly served and today, his name is also printed in the cause-list.

4. Mr.S.Deenadhayalan, learned Standing Counsel appearing for the respondents 1 and 2 would submit that the representation of the petitioner was earlier replied by the respondents as seen from the counter-affidavit. According to him, based on the house tax receipts produced by the fourth respondent, the second respondent has granted electricity service connection to the fourth respondent. However, as seen from the counter-affidavit filed by the respondents 1 and 2, no final orders have been passed on the petitioner's representation requesting the respondents 1 and 2 to disconnect the EB service connection granted to the fourth respondent. A categorical stand has been taken by the petitioner that the petitioner / Athinam is the absolute owner of the property and without obtaining No Objection from them, the fourth respondent has illegally got electricity service connection in his name. No prejudice would be caused to the respondents if the petitioner's representation is considered on merits and in accordance with law after affording a fair opportunity of hearing to the petitioner and the fourth respondent. The fourth respondent has also remained unrepresented in this writ petition despite having received the notice in this writ petition.

5. For the foregoing reasons, this Court directs the second respondent to consider the petitioner's representation, dated 02.12.2015 requesting the second respondent to disconnect the EB connection granted to the fourth respondent and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner as well as the fourth respondent. The petitioner and the fourth respondent are permitted to produce the documentary evidence before the second respondent in support of their respective contentions. The second respondent shall pass final orders on merits and in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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6. With the aforesaid directions, the Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

tsg

NOTE: *In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.*

TO:

1.The Executive Engineer, (Distribution),
Tamil Nadu Electricity Board,
Vallioor, Tirunelveli District.

2.The Junior Engineer, (Distribution),
Tamil Nadu Electricity Board,
Therukku, Kallikulam,
Tirunelveli District.

+1 CC to M/s.M.RAMU, Advocate (SR-7849[F] dated 22/02/2022)

+1 CC to M/s.S.DEENADHAYALAN, Advocate (SR-7852[F] dated 22/02/2022)

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_RD(19.04.2022) 3P 5C