



WEB COPY



W.P.No.8740 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2023

CORAM:
THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.8740 of 2023

and

WMP.No.8925 of 2023

1. E.N.Madeswaran
 2. E.N.Chandrasekaran
- ...Petitioners

vs.

1. The Superintending Engineer,
Tamilnadu Generation of Electricity and Distribution Corporation
(TANGEDCO),
Namakkal.
2. The Executive Engineer,
Tamilnadu Generation of Electricity and Distribution Corporation
(TANGEDCO),
Paramathi-Velur, Namakkal District.
3. The Assistant Executive Engineer,
Tamilnadu Generation of Electricity and Distribution Corporation
(TANGEDCO),
Nallur, Namakkal District.
4. The Assistant Engineer,
Tamilnadu Generation of Electricity and Distribution Corporation
(TANGEDCO),
Nadanthai, Namakkal District.



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5. R.Subramanian

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus forbearing the respondents 1 to 4 from in any way transferring or effecting the Agricultural bore well Service connections stands in the name of the petitioners in Service Connection Nos.04-234-019-422, 04-234-019-414, 04-234-019-356 and House Service Connection No.04-234-019-369 in S.No.218/2, Thidumal Village, Paramathi-Velur Taluk, Namakkal District to the name of the 5th respondent based on the objections of the petitioners dated 20.02.2023.

For Petitioners : Mr.N.Umapathi

For Respondents : Mr.S.Kalaiselvan, SC for TNEB

ORDER

The present Writ Petition has been filed seeking issuance of Writ of Mandamus to forbear the respondents 1 to 4 from transferring or effecting the Electricity Service connections which stands in the name of the respective petitioners to the name of the 5th respondent, by considering the petitioners' objection dated 20.02.2023.

2. Mr.S.Kalaiselvan, learned Standing Counsel takes notice for the respondents 1 to 4. In view of the consent expressed by the learned counsel on either side, this petition is taken up for final disposal.



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3. Since no adverse order is being passed against the 5th respondent, notice to the private respondent is dispensed with.

4. The case of the petitioners is that, they are in possession and enjoyment of the subject property. While so, the 5th respondent with an intention to grab the subject properties from the petitioners, approached the TNEB officials seeking transfer of existing Service connections which stands in the name of the petitioners in Service Connection Nos.04-234-019-422, 04-234-019-414, 04-234-019-356 in S.No.218/1, Thidumal Village, Namakkal District in respect of three bore wells and also three agricultural power connections which they have got in their names. Further, it is pertinent to note that, cancellation of Patta proceedings are pending before the concerned revenue officials. While so, the TNEB officials, without awaiting for the final decision in the above said revenue proceedings, are taking steps to transfer electricity connections to the 5th respondent's name, based on the fraudulent documents obtained by the private respondent. Therefore, the petitioners made a detailed representation / objection dated 20.02.2023, however, till date, no orders have been passed on the same. Hence, this Writ petition.



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5. Though very many grounds have been raised, learned counsel for the petitioners submitted that, it would suffice, if this Court directs the respondents 1 to 4 herein to conduct the enquiry in between the petitioners and the 5th respondent and pass appropriate orders on merits, within the time that may be stipulated by this Court.

6. On the above contention, this Court heard the learned Standing Counsel appearing for the respondents 1 to 4.

7. In view of the limited relief sought for by the petitioners, this Court without expressing any opinion on the merits of the case, directs the 4th respondent to conduct the enquiry in between the petitioners and the 5th respondent and pass appropriate orders in accordance with law, after affording an opportunity of personal hearing to the petitioners and the 5th respondents, within a period of four weeks from the date of receipt of a copy of this order.

8. With the aforesaid direction, this Writ petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

21.03.2023



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(1/2)

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NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No

To

1. The Superintending Engineer,
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(TANGEDCO),
Namakkal.
2. The Executive Engineer,
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M.DHANDAPANI., J.

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and
WMP.No.8925 of 2023
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W.P.No.8740 of 2023

21.03.2023

WMP.No.8924 of 2023
in
W.P.No.8740 of 2023

M.DHANDAPANI, J.

Ordered, on payment of single
Court fee.

21.03.2023
(2/2)

skt