



WEB COPY



W.P.No.24157 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2023

CORAM : JUSTICE N.SESHASAYEE

W.P.No.24157 of 2022
and WMP.No.23141 of 2022

E.Mohamed Siddique
Rep. by his Power of Attorney Srinivasan

.... Petitioner

Vs

- 1.The Assistant Engineer
Tamilnadu Generation and Distribution
Corporation Limited
Solasakkaranallur
Mayiladuthurai Taluk.
- 2.John Mohammed
- 3.The Superintending Engineer
Nagapattinam Electricity Distribution Circle
TANGEDCO (TNEB)
No.36, Sattayappar East Street
Nagapattinam - 610 001.
[R3 suo motu impleaded vide order dated
21.07.2023 in WP.No.24157 of 2022]

.... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying to issue a Writ of Mandamus directing the first respondent to



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temporarily disconnect the electricity to the Service Connection Nos.06534054370 and 06534054367 at No.4, Muslim Pudhumanai Street, Uluthukuppai, Mayavaram in R.S.Nos.182/2B, 182/2, 182/4, and 187/4 as per Section 6 of the Tamilnadu Electricity Supply Code within the time prescribed by this Court.

For Petitioner : Mr.K.Sakthivel

For Respondents : Mr.D.B.R.Prahu
Standing Counsel for TNEB

ORDER

The petitioner wants a temporary disconnection of his electricity connection as he would be abroad for a while, and that an application to that effect is pending consideration of the first respondent since 2018.

2. The counsel for the petitioner submitted that the adjacent land owner of the petitioner is suspected to commit theft of electricity from his meter and hence, seeks disconnection.

3. The learned counsel for the petitioner also submitted that the petitioner has earlier laid a suit in O.S.No.237 of 2014 through his Power of Attorney against the second respondent for a decree of permanent prohibitory



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injunction to restrain the second respondent from interfering with his possession.

4. The learned counsel for the first respondent has filed his counter and made a statement that the second respondent stays in the house, and hence disconnection is not made. He also added as per the investigation by the authorities concerned, there is no stealing of electricity.

5. Mr. K. Santhanakrishnan, Superintending Engineer, NEDC / Nagapattinam and Mr. K. R. Raghu, Junior Engineer, O&M, Sholasakkarallur are present to assist the Court,

6. At the end of the day, the petitioner wants disconnection of the electricity connection that stands in his name. He has absolute authority and right to make a request for his disconnection and the first respondent cannot be charitable enough to make a statement on behalf of the second respondent and his only obligation is to see if the request of the petitioner can be accommodated within its rules and norms.



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7. The first respondent is required to abide by the rules which binds him, and report compliance on the action taken on the request of the petitioner, by 08.08.2023.

8. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Post the matter for reporting compliance on 08.08.2023.

31.07.2023

Index : Yes / No

Speaking order / Non-speaking orders



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N.SESHASAYEE.J.,

ds

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