



W.P.No.14083 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 12.04.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.14083 of 2017
and
W.M.P.No.15297 of 2017

Shivam Charitable Trust,
Represented by Chairman &
Secretary I.K.Sadhasivam,
S.S.Nagar, Mulakadu Village,
Mettur Taluk – 636 452
Salem District.

...Petitioner

Vs.

- 1.The Chairman,
Tamilnadu Electricity Board,
144, Anna Salai,
Chennai – 600 002.
- 2.The Superintending Engineer,
TANGEDCO,
Mettur Electricity Distribution Circle,
Metturdam – 636 401.
- 3.The Assistant Engineer,
Operation & Maintenance,
Kolathur (South)
TANGEDCO,
Mettur Taluk.



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4.M.Senthilvelu

WEB COURT

(R4 – impleaded vide order dated 03.03.2022
made in W.M.P.No.16875/2017 in
W.P.No.14083/2017)

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent pertaining to the proceedings in க.எண்.உபோ/இ&ப/தெ/கொ/கோ.தனி/எண். /2017 dated 06.05.2017 & quash and consequently direct the respondents to mutake the Electricity Service Connection No.103-009-2183-TF-V to the name of the petitioner viz.Shivam Charitable Trust.

For Petitioner	: Mr.J.Deearaj For M/s.P.V.Law Associates
For R1 to R3	: Mr.I.Syed Sibghatulla For TANGEDCO
For R4	: Mr.I.Abrar Md Abdullah

ORDER

The order dated 06.05.2017 passed by the 3rd respondent / Assistant Engineer, stating that the various civil litigations are pending in respect of the petitioner / Trust is under challenge in the present writ petition.



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2. It is brought to the notice of this Court that the civil case instituted in O.S.No.77 of 2017 has been dismissed for default on 16.03.2022. Under those circumstances, there are certain changes in the Trust also during the pendency of the writ petition.

3. Considering the fact that the Civil Suit was dismissed and there is a change of Chairman and Secretary in the petitioner / Trust, the current administration of the Trust is at liberty to submit a fresh application to the Tamil Nadu Electricity Board for the purpose of providing Service Connections.

4. The 4th respondent is raising certain objections and therefore, in the event of submitting an application by the 4th respondent, the respondents 1 to 3 shall provide an opportunity to submit his objections and thereafter, take a decision on merits and in accordance with law.

5. The learned counsel for the petitioner states that the petitioner has already submitted a representation on 04.05.2016 to disconnect the Service Connection.



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WEB COPY 6. Therefore, the petitioner is not liable to pay any arrears of charges.

However, these facts are to be adjudicated and to be determined by the competent authorities with reference to the documents and evidences. Thus, the petitioner is at liberty to submit a fresh application and in the event of submitting an application, the competent authorities of the Electricity Board shall consider the same by affording opportunity to the 4th respondent and thereafter, take a decision on merits and in accordance with law.

7. With this liberty, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

12.04.2023

Index : Yes
Speaking order
Neutral Citation: Yes
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To

1. The District Collector,
Tiruppur District,
Tiruppur.

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2.The Sub-Collector,
Tiruppur District,
Tiruppur.

3.The Tahsildar,
South Tahsildar Office,
Tiruppur (South) District.

4.The Executive Engineer,
Public Works Department,
Paramigulam Aliyaru Project,
Water Resources, Kangayam,
Erode District.



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S.M.SUBRAMANIAM, J.

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