



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 07.12.2023

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.33842 of 2023

U.Shoban Kumar

... Petitioner

Vs

1 The Executive Engineer,
TANGEDCO,
West-Mambalam, Chennai - 33.

2. The Assistant Executive Engineer,
TANGEDCO,
West-Mambalam, Chennai - 33.

3. U.Parthan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent to cancel the EB service connections bearing No's: 01-224-032-542, 485 and 303 which is in the name of 3rd respondent and to transfer the same to the petitioner's name for his portion bearing door No.7/4, Anusuya street, Rengarajapuram, Kodambakkam, Chennai by considering the representation of the petitioner dated 18.08.2023.

For Petitioner : Ms.P.Devi Sai Monica

For Respondents : Ms.Keerthana Shenoi
for Mr.L.Jai Venkatesh
Standing Counsel



ORDER

Ms.Keerthana Shenoi, learned counsel on behalf of Mr.L.Jai Venkatesh, learned Standing Counsel accepts notice for R1 and R2. She is armed with necessary instructions to enable final disposal of this matter, even at the stage of admission. No notice is thought necessary to the private parties, i.e., R3 as his interest is duly taken note of and protected by virtue of this order.

2. The petitioner and R3 are brothers. A Civil Suit in C.S.No.314 of 2019 had been filed by R3 for partition of property devolving on the petitioner and R3, which has come to be disposed along with a Writ Petition and Original applications on 19.08.2021 by a Division Bench of this Court.

3. According to the petitioner, the Suit has been resolved by the intervention of the elders of the family and a joint memo of compromise dated 19.08.2021 had been filed by the parties before the Division Bench which has been duly recorded in that order.

4. Hence, according to him, in terms of joint memo of compromise, electricity connections bearing Nos 01-224-032-542, 485 and 303 (service connections in question) relate to his portion of the property. He alleges that the said connections had been transferred by R3 to his name, which is contrary to the compromise entered into. He claims to have made applications under Right to



Information Act, 2005 pursuant to which, he has received the confirmation in relation to the aforesaid transfers made by R3.

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5. A representation has been filed by the petitioner on 18.08.2023 seeking transfer of service connections in question to his name as they relate to his portion of property at Door No. 7/4, Anusuya Sreet, Rengarajapuram, Kodambakkam, Chennai. The representation is stated to be pending.

6. Bearing in mind the fact that the private party is not before me and also that the consideration of the prayer of the petitioner would entail marshalling as well as appreciation of various facts that, I am not inclined to embark on in this Writ Petition, limited mandamus is issued to R2, being Assistant Executive Engineer, TANGEDCO, West-Mambalam, Chennai to consider and dispose the representation of the petitioner.

7. Since the representation of the petitioner does not have any acknowledgement of receipt and Ms.Shenoi would raise some apprehension that the respondents have not received the same, the petitioner is permitted to present himself before R2 accompanied by a copy of his representation dated 18.08.2023 and a copy of this order, within a period of two (2) weeks from today.

8. Upon such appearance, R2 shall hear the petitioner as well as R3, consider all relevant documents including the order of this Court dated 19.08.2021



and dispose the representation on merits and in accordance with law and all prevailing Rules and Regulations, within a period of four (4) weeks from date of receipt of such representation.

9. This Writ Petition is disposed as above.

07.12.2023

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Index : Yes / No

Speaking Order:Yes

Neutral Citation:Yes

To

1. The Junior Engineer,
TANGEDCO,
Coimbatore Distribution Circle/North,
Dhayanur North, Dhayanur – 641 113.
2. The Assistant Engineer,
TANGEDCO, Karamadai,
Kundha Colony, Railway Station Road,
Karamadai – 641 104.
3. The Executive Engineer,
TANGEDCO, Mettupalayam,
Sirumugai Road, Power House,
Mettupalayam – 641 301.
4. The Superintending Engineer,
TANGEDCO, CEDC, Coimbatore North,
Tatabad, Coimbatore – 641 012.



W.P.No.33842



5. The Chairman cum Managing Director,
TANGEDCO,
6th floor, TANTRANSCO Building,
No.144, Anna Salai, Chennai – 600 002.



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W.P.No.33842



DR.ANITA SUMANTH, J.
SI

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