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W.P.(MD)No.17132 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.17132 of 2020
and
W.M.P.(MD)No. 14290 of 2020

K. Pandi

... Petitioner

VS.

1. The Assistant Accounts Officer,
Revenue Branch,
TANGEDCO, Kappaloor,
Thirumangalam, Madurai District.
2. The Assistant Executive Engineer,
TANGEDCO,
Kappaloor, Madurai District.



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3. The Assistant Engineer,
TANGEDCO,
Kappaloor, Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records, relating to impugned order of first respondent in Ka.No / Se.Po / Pa / U.Ka.A / Va.Pi / Thiruma / Ka.Me.9/A.No.848/20, dated 06.11.2020 and to quash the same as illegal, improper and unconstitutional, consequently, to direct the respondents to restore the electricity connection in petitioner's industrial name viz Suresh Enterprises industrial Shed No: D43, SIDCO, Kappaloor, Madurai in electricity connection No:136-004108.

(Prayer amended, vide order of this Court, dated 03.08.2023, in W.M.P. (MD)No.6577 of 2023 in W.P.(MD)No.17132 of 2020)

For Petitioner : Mr.S.Balamurugan
For Respondents : Mr.S.Deenadhayalan



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ORDER

This writ petition is filed for Certiorarified Mandamus, to quash the impugned order dated 06.11.2020 of first respondent as illegal, improper and unconstitutional and consequently, to direct the respondents to restore the electricity connection in petitioner's industrial name viz Suresh Enterprises Industrial Shed No: D43, SIDCO, Kappaloor, Madurai in Electricity Connection No:136-004108.

2. The contention of the petitioner is that originally the Shed No: D43 was allotted to one S.M.Shanmugam in the year 1974 for the purpose of running small industry. The said Shanmugam has leased out the portion of the shed to one Selvam for running the industry in the name of M/s.Saraswathi Chemicals. The original allottee S.M.



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Shanmuganathan had given consent to the said Selvam to transfer the permission and electricity connection including tax, etc. Subsequently, there was a misunderstanding between the said Shanmugam and Selvam thereby, the service connection of M/s.Saraswathi Chemicals was disturbed. Hence the M/s.Saraswathi Chemicals had filed the original suit in O.S.No.713 of 2004, seeking for permanent injunction against M/s. Kamalam Plast Industries and the same was dismissed on 07.01.2011. After the lifetime of the said Selvam, the entire portion was allotted to the managing partner of M/s.Saraswathi Chemicals. The petitioner is occupying the said premises from 2010 onwards and paying tax. The electricity connection stands in the name of the petitioner. Subsequently, the original allottee namely Shanmugam preferred a complaint before the respondents. Therefore, the respondents issued the

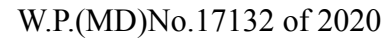


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impugned notice, dated 06.11.2020.

3. The sum and substance of the issue here is that the original allottee Shanmugam, when he was having cordial relation with the petitioner, he had accepted for granting electricity connection. When the relation with the petitioner snapped, the said Shanmugam gave a complaint against the petitioner, as if he is occupying the said place.

4. The said Shanmugam cannot take a short cut route to evict the petitioner. Moreover, the respondents are not having power to disconnect the electricity connection when a person is occupying in the said place. The Electricity Board cannot be converted as an adjudicating authority to settle the dispute between the petitioner and the said Shanmugam.



5. With the above said observation, the writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

03.08.2023

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S.SRIMATHY, J

Tmg

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