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W.P.No.13969 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2024

CORAM :
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.13969 of 2022
and W.M.P.No.13225 of 2022

V.Durairaj

... Petitioner

Vs.

1.The Assistant Engineer,
O&M/Tamil Nadu Electricity Board,
TANGEDCO (TNEB),
Chennai Electricity Distribution Circle/South,
Anakaputhur, Chennai – 600 070.

2.M.D.Kamaraj

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the records relating to the first respondent in Letter No:AE/O&M/Anagai/Ko.Mi.E.Pa.Matram/A.No.36/ dated 24.05.2022 and quash the same and consequently direct the First Respondent to restore the name transfer of the service connection bearing No 258-010-88 to the petitioner.

For Petitioner : Mr.S.Vijayakumar

For Respondent 1 : Mr.L.Jai Venkatesh

For Respondent 2 : No Appearance

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ORDER

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This writ petition has been filed by the petitioner to call for the records relating to the first respondent in Letter No:AE/O&M/Anagai/Ko.Mi.E.Pa.Matram/A.No.36/ dated 24.05.2022 and quash the same and consequently direct the First Respondent to restore the name transfer of the service connection bearing No 258-010-88 to the petitioner.

2. The case of the petitioner is that the petitioner has purchased the property situated at Kancheepuram District at present at Pallavaram Taluk, Pammal Village, Panchayat Colony comprised in Survey No.140/3 and approved layout No.291/73 in Plot No.21 to an extent of 2774 Sq.feet along with constructed shops including the electricity connections from one Smt.Benial @ Benial Ranjitham for a valuable sale consideration and the same was registered as Doc.No.5500/2015 dated 10.07.2015 on the file of SRO, Pamal. From the date of purchase, the petitioner is in possession and enjoyment of the said property. The second respondent is the tenant under the erstwhile owner and was running a flour mill in the name and style of “Lakshmi Flour Mill”. The second respondent had obtained the electricity



connection bearing No.258-010-88 in his name after obtaining the consent of the previous owner. Thereafter, the petitioner had changed the electricity connections bearing No.258-010-87 in his name by remitting the requisite fees and deposits and the previous owner has also given him undertaking affidavit to transfer the service connections in the name of the petitioner. Consequently, the service connection bearing No.248-010-87 and 258-010-88 was transferred online vide No.200092580 422766/19-4-2022 in the name of the petitioner by the first respondent herein.

2.1. The second respondent had given an objection to the first respondent towards name transfer of service connection bearing No.250-010-88, the petitioner submitted his objection and also appeared personally on 14.05.2022 and submitted that he had made only an application for name transfer and not disconnection. However, the impugned order dated 24.05.2022 was passed cancelling the name transfer of the electricity connection. Hence, the petitioner has come forward with the present writ petition.

3. Learned counsel for the petitioner would submit that though the



petitioner has purchased the entire property, the second respondent is running the flour mill in the premises. This Court has granted interim stay and till date, the electricity connection stands in the name of the petitioner and the same cannot be interfered with. If at all the second respondent has any grievance, he has to work out the remedy before the Civil Court in the manner known to law. However, this Court may issue a direction to the first respondent to conduct a fresh enquiry between the petitioner and the second respondent. If the second respondent is in continuous possession of the property, the first respondent may be directed to pass appropriate orders.

4. Learned counsel appearing for the first respondent would submit that the enquiry will be conducted between the petitioner and the second respondent. If the second respondent is running the flour mill in the petitioner's premises, an appropriate orders will be passed.

5. Though the name of the second respondent is printed in the cause list, none appeared on behalf of the second respondent.

6. The facts in the present case is not in dispute. Without providing any



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opportunity of personal hearing to the second respondent, the electricity connection was transferred in the name of the petitioner and subsequently, without providing any opportunity, the first respondent has cancelled the electricity connection, which was effected in favour of the petitioner and both these orders are in violation of principles of natural justice. To comply the principles of natural justice, this Court is inclined to issue direction to the first respondent to hear the petitioner and the second respondent. After ascertaining that the second respondent continues to be the tenant of the petitioner, the first respondent is directed to pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order. If the second respondent failed to appear before the first respondent, liberty is granted to the first respondent to pass appropriate orders on merits and in accordance with law.

7. With the above observation and direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

22.08.2024

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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

M.DHANDAPANI,J.

vm

To:

The Assistant Engineer,
O&M/Tamil Nadu Electricity Board,
TANGEDCO (TNEB),
Chennai Electricity Distribution Circle/South,
Anakaputhur, Chennai – 600 070.

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