



WEB COPY

W.P.No.21077 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.21077 of 2023
and
W.M.P.No.20458 of 2023

1.M.M.Engineering

Rep. by its Sole Proprietor M.Martin Arulprakash
S/o. R.Mariyathas
No.74/A, KRGP Nagar,
T.Kottampatty, Mahalingapuram Post,
Pollachi Taluk,
Coimbatore District.

2.S.Senthilkumar

.. Petitioners

VS

1.The Chairman

Tamil Nadu Generation and Distribution Corporation Ltd.,
Anna Salai,
Chennai - 600 002.

2.The Assistant Engineer (Electrical),

Tamil Nadu Generation and Distribution Corporation Ltd.,
Udumalai Road,
Pollachi, Coimbatore District.

3.Pollachi Municipality

Rep. by its Commissioner,
Pollachi, Coimbatore District.

4.R.Vijayakrishnan

C.B.Ramakrishnasamy Layout,
Palladam Road,
Mahalingapuram Post,
Pollachi Taluk, Coimbatore District.

.. Respondents



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Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing 2nd respondent to restore electricity service connection in Nos. 387-003-2091 and 387-003-2092 to the premise of the petitioners at Door No.107/1, Palladam Road, Pollachi, Coimbatore District by considering the representation of petitioner dated 27.06.2023.

For Petitioner : Mr.R.Ponraj

For Respondents : Mr.B.Anand for R3
Mr.L.Jai Venkatesh
Standing Counsel
for R1, R2

ORDER

Pleadings are complete and all learned counsel are ready to proceed with the matter finally. Hence W.M.P.No.34987 of 2023 is ordered and writ petition itself is listed today under a special list.

2. The prayer is for a mandamus simplicitor directing R2 / The Assistant Engineer (Electrical), Tamil Nadu Generation and Distribution Corporation Ltd., Udumalai Road, Pollachi, Coimbatore District to restore electricity service connection bearing Nos. 387-003-2091 and 387-003-2092 to the premises at Door No.107/1, Palladam Road, Pollachi, Coimbatore District (premises / premises in question).

3. The petitioner has also made a representation containing the same request on 27.06.2023 before R2.



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4. In the counter filed by R3 / Pollachi Municipality, they have stated that licence was granted only for a period between April, 2022 and March, 2023. Thus, as on date, the petitioner does not have the licence for conduct of business in a residential area. The petitioner has been granted licence to carry out business using 5HP or 10HP motor, whereas R3 has stated in affidavit that petitioner was using a 15 HP motor. There were complaints by residents in that neighbourhood to both R3 as well as the Pollution Control Authorities and inspection was carried out that resulted in the authorities finding that the petitioner was indeed using a 15HP motor in contravention of the licence conditions.

5. A suit had come to be filed by the petitioners in OS.No. 290 of 2017 seeking a permanent injunction restraining R4, being a third party from causing disturbance to his business and also forbearing the officials of the Municipality and TANGEDCO from disconnecting service connection. The suit was dismissed on 24.01.2023 and appeal has been preferred in AS.Sr.No.13518 of 2023 with a delay before Sub-Court, Pollachi.

6. In the aforesaid factual matrix, mandamus as sought for is not liable to be granted. There appears, prima facie, nothing untoward in disconnecting the electricity connection in light of the factual narration as set out above.



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7. Be that as it may, that petitioner states that he has made a representation before R2 on 27.06.2023 but there is no proof of acknowledgement of the same. Hence, the petitioner is permitted to make a fresh representation before the authorities, who after hearing the petitioner as well as other parties, will pass an order strictly in accordance with law and applicable regulations. Let necessary inputs be taken from R3 as well, if required.

8. This writ petition stand dismissed with liberty. No costs. Connected miscellaneous petition is closed.

05.01.2024

Index:Yes/No
Neutral Citation:Yes
ssm

To

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