



W.P.No.23590 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2024

CORAM:

THE HON'BLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.23590 of 2024

and

WMP.No.25803 of 2024

G.Subhakaran

...Petitioner

Vs.

1. The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Namakkal Taluk, Namakkal District.
2. The Executive Engineer (O and M),
Tamil Nadu Generation and Electricity Distribution Corporation Ltd.,
Namakkal Taluk, Namakkal District.
3. The Assistant Executive Engineer (O and M),
Tamil Nadu Generation and Electricity Distribution Corporation Ltd.,
Gandhipuram, Sendamangalam South,
Sendamangalam Taluk, Namakkal District – 637 409.
4. The Assistant Engineer (O and M),
Tamil Nadu Generation and Electricity Distribution Corporation Ltd.,
Sendamangalam, Sendamangalam Taluk,
Namakkal District – 637 409.

5. S.Ganesan

...Respondents



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Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents No.1 to 4 to consider the petitioner's representation dated 05.04.2024 in respect of the 5th respondent's application for disconnection of the electricity connection in Service No.042170101154 and 04217010913 in “Ganesan Mineral Water” situated at 2/41, Sellipalayam, Mudulaipatti post, Namakkal District.

For Petitioner : Mr.M.Guruprasad

For Respondents : Mr.S.Kalaiselvan, SC

ORDER

This Writ petition has been filed by the petitioner seeking direction to the respondents 1 to 4 to consider the petitioner's representation dated 05.04.2024 in respect of the 5th respondent's application for disconnection of the electricity connection in Service No.042170101154 and 04217010913 in “Ganesan Mineral Water” situated at 2/41, Sellipalayam, Mudulaipatti post, Namakkal District.

2. Mr.S.Kalaiselvan, learned Standing counsel takes notice on behalf of the respondents 1 to 4. In view of the consent expressed by the learned



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counsel on either side, this petition is taken up for final disposal at the admission stage itself.

3. Since no adverse order is being passed against the 5th respondent, notice to the 5th respondent is dispensed with.

4. The case of the petitioner is that the 5th respondent is none other than the father of the petitioner and the properties comprised in S.F.Nos.296/4C, 296/5B3, 298/2 measuring an extent of 1.50 hectare in Sellipalayam, Namakkal District and other properties in and around Sendhamangalam are delineated and it is an integral constituent of the Hindu undivided family ancestral estate of the petitioner and his father/the 5th respondent herein. While so, in the year 2012, the petitioner established a packaged drinking water plant in the name and style of “Ganesan Mineral Water” (in short 'subject property') using the 5th respondent as the name lender to the business and the Electricity connection in Service Nos.042170101154 and 04217010913 also stands in the name of the 5th respondent. Though the said business stands in the name of the 5th



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respondent, it is the petitioner who carryouts all the business activities.

Thereafter, due to some difference of opinion, the petitioner obtained fresh GST Certificate in his name without changing the name of the business. In such circumstances, in order to wreck vengeance, the 5th respondent made an application before the official respondents seeking for disconnection of the above said Electricity service connections in the subject property which were utilised by the petitioner for the operation of the water plant and the 5th respondent is continuously interrupting the petitioner's enjoyment over the subject property. Thereby, the petitioner made a representation dated 05.04.2024 before the 2nd respondent objecting the 5th respondent's application with regard to disconnection of electricity service connection in the subject property, since it is the petitioner who is paying the electricity consumption charges. However, till date, no orders have been passed on the petitioner's representation/objection. Hence, this Writ petition.

5. Though very many grounds have been raised, the learned counsel for the petitioner submitted that it would suffice if this Court issues direction to the respondents 1 to 4 to consider the petitioner's representation /objection



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dated 05.04.2024 and to consequently reject the 5th respondent's application seeking disconnection of the electricity service connection in the subject property.

6. Learned Standing counsel appearing for the respondents 1 to 4 submitted that, the petitioner's representation/objection dated 05.04.2024 will be considered and appropriate orders will be passed in accordance with law within the time stipulated by this Court.

7. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, directs the respondents 1 to 4 to consider the petitioner's representation/objection dated 05.04.2024 along with the 5th respondent's application for disconnection of electricity service connection in the subject property, if any, and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order, after conducting proper enquiry between the parties by affording sufficient opportunity of personal hearing to the petitioner and the 5th respondent. Till such time, the official respondents shall not take any coercive steps against the petitioner.



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8. With the above directions, this Writ petition stands disposed of. No

costs. Consequently, the connected miscellaneous petition is closed.

19.08.2024

skt

Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No

To:

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2. The Executive Engineer (O and M),
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