



WEB COPY



W.P.No.24888 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2024

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.24888 of 2024

A.Viswanathan

... Petitioner

Vs.

1.The Assistant Engineer
O & M/CEDC/CENTRAL
TANGEDCO
Saidapet West
R.R.Colony
Chennai 600 083

2.M.Chitra

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari calling for the records relating to the impugned communication of the 1st Respondent herein Endt.No.AE/O&M/Spt Weesst/F.Doct/D.No.237/24 dated 05.07.2024 and quash the same and consequently direct the 1st Respondent to restore the Electricity Service connection to the portion of the Petitioner's premises bearing Door No.8/16, Elangovadigal Street, Jafferkanpet, Chennai 600 083, within a stipulated period.

For Petitioner

: Mr.K.Govi Ganesan

For Respondents

: Mr.L.Jai Venkatesh (for R1)

ORDER



W.P.No.24888 of 2024

WEB COPY

The writ petition has been filed seeking to quash the impugned communication of the 1st Respondent herein Endt. No.AE/O&M/Spt Weesst/F.Doct/D.No.237/24 dated 05.07.2024 and quash the same and consequently direct the 1st Respondent to restore the Electricity Service connection to the portion of the Petitioner's premises bearing Door No.8/16, Elangovadigal Street, Jafferkhanpet, Chennai 600 083, within a stipulated period.

2. It is the case of the petitioner that the second respondent herein is the petitioner's brothers wife. The petitioner and his brother have constructed a tiled house in S.No.361/2, situated at No.8/16, Elangovadigal Street, Jafferkhanpet, Chennai 43 years back, in which, electricity service connection was granted by the first respondent herein. In order to grab the property, the second respondent has also filed a suit in O.S.No.8841/2021 on the file of the VII Assistant City civil Court, Chennai for recovery of possession. Pending suit, the electricity service connection to the petitioner's property was disconnected. Hence, the petitioner has made a representation to the first respondent for granting electricity service connected and the same was rejected vide order dated 05.07.2024. Challenging the same, the present writ petition has been filed.



W.P.No.24888 of 2024

WEB COPY

3. The learned counsel for the petitioner submitted that the second respondent has no right to make objection and therefore, based on her objections the first respondent ought not to have disconnected the electricity service connection.

4. The learned Standing Counsel appearing for the first respondent submitted that if the petitioner produces valid property tax receipt within a period of one week, the enquiry will be conducted between the petitioner and the second respondent and an appropriate orders will be passed. The present impugned order is only a show cause notice.

5. Heard the learned counsel for the petitioner and the learned Standing Counsel and perused the materials available on record.

6. Considering the fact that the petitioner has obtained an electricity connection based on the property tax produced by him before the first respondent. Subsequently, the property tax issued by the Corporation was cancelled. Hence, the first respondent has disconnected the electricity service connection. In view of



W.P.No.24888 of 2024

the fair stand taken by the first respondent that if the petitioner produces the valid property tax, an appropriate orders will be passed.

7. In view of the above, the petitioner is directed to file a proper reply to the first respondent within a period of one week from the date of receipt of a copy of this order. Upon receipt of the same, the second respondent is directed to conduct enquiry between the petitioner and the second respondent and pass orders within a period of two weeks thereafter.

8. With the above direction, the writ petition is disposed of. No costs.

29.08.2024

rli

Index : Yes/No
Neutral citation : Yes/No
Speaking Order/Non-Speaking Order

To
The Assistant Engineer
O & M/CEDC/CENTRAL



W.P.No.24888 of 2024

TANGEDCO
Saidapet West
R.R.Colony
Chennai 600 083



WEB COPY



W.P.No.24888 of 2024

M.DHANDAPANI.J,

rli

W.P.No.24888 of 2024

Dated: 29.08.2024