



W.P.(MD)No.27270 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **15.11.2024**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD)No.27270 of 2024

Raheema Beeve

... Petitioner

Vs.

1.The Executive Engineer,
TANGEDCO,
Aruppukottai,
Virudhunagar District.

2.The Assistant Engineer,
TANGEDCO,
Veeracholan,
Thiruchuli Taluk,
Virudhunagar District.

3.Abdul Haq

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the Respondents 1 and 2 to take necessary action by disconnecting the electricity connection (EB Account Number. 07216001574) in Survey No. 218/2A situated at Veeracholan Village, Thiruchuli Taluk, Virudhunagar District, which was illegally obtained on the basis of Patta through forged and fabricated documents by the 3rd respondent in the light of patta cancellation order passed by the Revenue Divisional Officer,



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Aruppukottai through in his proceedings No. Pa.Mu.Aa/1519/2023 dated 18.04.2024, by considering the petitioner's representation dated 20.12.2023.

For Petitioner : Mr.B.Anandan
For Respondents : Mr.S.Deenadhayalan (R1 & R2)
Standing Counsel

ORDER

Mr.S.Deenadhayalan, learned Standing Counsel takes notice for the respondents 1 and 2. Considering the nature of the limited scope of the relief sought for in this writ petition, notice to the third respondent is dispensed with. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2. The prayer in the Writ Petition reads as follows:-

“To issue a Writ of Mandamus, directing the Respondents 1 and 2 to take necessary action by disconnecting the electricity connection (EB Account Number. 07216001574) in Survey No. 218/2A situated at Veeracholan Village, Thiruchuli Taluk, Virudhunagar District, which was illegally obtained on the basis of Patta through forged and fabricated documents by the 3rd respondent in the light of patta cancellation order passed by the Revenue Divisional Officer, Aruppukottai through in his proceedings No.



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Pa.Mu.Aa/1519/2023 dated 18.04.2024, by considering the petitioner's representation dated 20.12.2023."

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3. Heard the learned counsel on both sides and carefully perused the entire materials available on record.

4. The claim of the petitioner is that the third respondent created a fabricated non-registered will. Patta was initially issued in respect of the subject property in favour of the third respondent. Later, after enquiry by the jurisdictional Revenue Divisional Officer, the said patta was cancelled. In this regard, a criminal case has also been registered by the jurisdictional police station. However, electricity connection was obtained by the third respondent. Hence, the petitioner made a representation to the second respondent to disconnect the electricity connection in Survey No. 218/2A situated at Veeracholan Village, Thiruchuli Taluk, Virudhunagar District. Since the same has not been considered, this writ petition has been filed.

5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the same pending indefinitely. As such, non-



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consideration of the representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

6. In view of the same, without going into the merits of this writ petition, this Court hereby direct the official respondents to consider the petitioner's representation dated 20.12.2023 and pass appropriate orders on merits and in accordance with law, after giving an opportunity of hearing to the petitioner and the third respondent, within a period of six weeks from the date of receipt of copy of this order.

7. With the above direction, the Writ Petition stands allowed. There shall be no order as to costs.

15.11.2024

NCC : Yes / No
Index : Yes / No
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TO:-

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- 1.The Executive Engineer,
TANGEDCO,
Aruppukottai,
Virudhunagar District.

- 2.The Assistant Engineer,
TANGEDCO,
Veeracholan,
Thiruchuli Taluk,
Virudhunagar District.



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L.VICTORIA GOWRI, J.

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Order made in
W.P.(MD)No.27270 of 2024

Dated
15.11.2024