

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date: 28.7.2005

Coram

THE HONOURABLE MR. MARKANDEY KATJU, THE CHIEF JUSTICE
and
THE HONOURABLE MR. JUSTICE F.M.IBRAHIM KALIFULLA

Writ Appeal No.4004 of 2004

1. The Tamil Nadu Electricity Board
rep. by its Chairman,
No.800, Anna Salai,
Chennai-2.
2. Assistant Engineer,
Operation & Maintenance/
Ice House,
No.26, West Cott Road,
Royapettah,
Chennai-600 014. ... Appellants/ Respondents

versus

1. A.R.Juhurunisha
2. A.R.Mehrunissa
3. I.B.Sabburamma
4. A.R.Zunaitha Begum

rep. by their Power Agent
Y. Zaheeruddin Ahmed. ... Respondents/ Petitioners

Writ Appeal filed under Clause 15 of the Letters Patent against
the order dated 30.4.2004 passed in Writ Petition No.5255 of 2004.

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for appellants : Mr. G.Vasudevan
for respondents: Mr. Gnanasekar

JUDGMENT

(Judgment of the Court was delivered by
The Honourable The Chief Justice)

This writ appeal has been filed against the impugned order of the learned single Judge dated 30.4.2004 passed in Writ Petition No.525 of 2004.

2. We have heard the learned counsel for the parties and perused the impugned order.

3. In the impugned order, the learned Judge has observed as follows:

" The respondents are directed to give electricity connection by strengthening the existing transformer available nearer to the premises of the petitioners on payment of necessary amount by the petitioners."

4. In our opinion, it was not proper for the learned Judge to give such a direction.

5. Ordinarily, the Judiciary should not encroach into the Legislative or Executive domain vide Rama.Muthuramalingam vs. Deputy Superintendent of Police, Mannargudi, A.I.R. 2005 Madras 1. There is a broad separation of powers under the Constitution and it is not proper for Judges to encroach into the sphere of another organ of the State. By the impugned order, the learned Judge, with due respect to him, has encroached into the domain of the Electricity authorities. This Court can only direct that the representation of the writ petitioners in this connection should be decided in accordance with law by the authority concerned within a reasonable time. But the Court should not itself take over the functioning of the Executive authority.

6. In the circumstances we modify the impugned order of the learned single Judge and direct that the authorities of the Tamil Nadu Electricity Board shall consider the request of the writ petitioner as prayed for in the writ petition within a reasonable time preferably within a month from the production of this order before the authority concerned. The writ appeal is disposed off with this direction. W.A.M.P.Nos.7510 of 2004 and W.A.V.M.P.No.2195 of 2005 are closed.

Sd/
Asst.Registrar

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Sub Asst.Registrar

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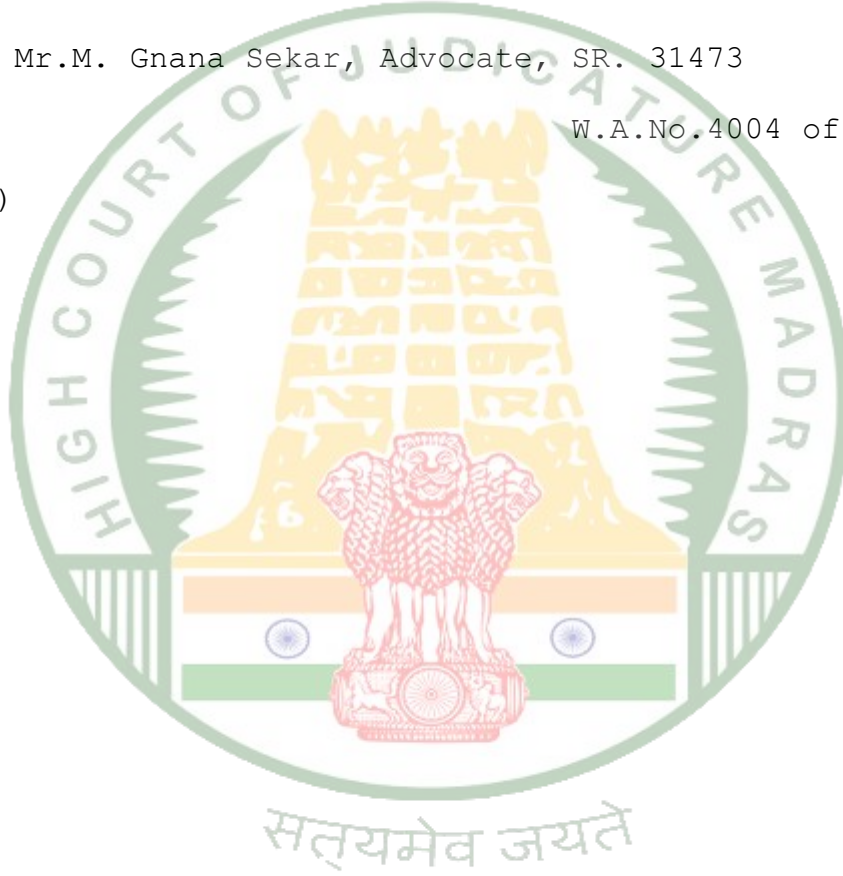
1. The Chairman, Tamil Nadu Electricity Board
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Chennai-2.

2. The Assistant Engineer,
Operation & Maintenance/
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Chennai-600 014.

1 cc to Mr.M. Gnana Sekar, Advocate, SR. 31473

W.A.No.4004 of 2004

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