

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 31-07-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.16426 OF 2015

A.G.S.Govindharaj

... Petitioner

-vs-

1. The Assistant Engineer,
TANGEDCO,
CEDC/METRO,
Selvapuram,
Coimbatore-26.
2. The Superintending Engineer,
Tamil Nadu Electricity Board,
Chennai-600 002.

... Respondents

Writ Petition has been filed, praying for issuance of a writ of certiorarified mandamus, to call for the records relating to the communication of the first respondent, dated 25.09.2014, quash the same and direct the first respondent to issue appropriate orders granting electricity connection to the business premises of the petitioner at Nos.284,285, Perur Main Road, Coimbatore.

For petitioner : Mr.R.Chellappa

For respondents : Mr.S.K.Rameshwar,
Standing Counsel.

O R D E R

By consent, the Writ Petition is taken up for final disposal.

2. The petitioner claims that he is carrying on business in producing industrial grills at Nos.284,285, Perur Main Road, Coimbatore, and, originally, the electricity service connection was standing in the name of his father. Subsequently, by proceedings of the Executive Engineer (Distribution), Bodhanur-23, in the month of

March, 1998, the name transfer was effected in favour of the petitioner and he is carrying on business. However, all-of-a-sudden, without any notice whatsoever, the service connection of the petitioner was disconnected and when the petitioner applied for reconnection, the first respondent has passed the impugned order, dated 25.09.2014, stating that one R.M.Govindan has objected to the service connection of the petitioner, on account of pendency of a civil litigation. Challenging the said proceedings of the first respondent, the petitioner has filed this Writ Petition.

3. Learned counsel for the petitioner would submit that originally the service connection was standing in the name of the father of the petitioner and thereafter it was transferred to the name of the petitioner in March,1998, and, all-of-a-sudden, it was disconnected and the petitioner sought for reconnection/fresh connection, which was not acceded to by the first respondent, stating objections by the rival claimant due to pendency of a civil litigation and, on account of the disconnection, the petitioner is suffering very much and prays for appropriate orders.

4. Mr.S.K.Rameshwar, learned Standing Counsel appearing for the respondents, would submit that one R.M.Govindan, resident of 304-B, Sree Vaisa Shreyas, New Dhamu Nagar, Coimbatore-641 037, has raised an objection for the service connection, stating that it is the subject matter of adjudication in E.P.No.72 of 2013 in RCOP.No.210 of 2015, pending on the file of Additional District Munsif's Court, Coimbatore, and requesting the first respondent not to effect service connection. It is also the submission of the learned Standing Counsel that under Regulation 27 (4) of the Tamil Nadu Electricity Distribution Code,2004, a procedure has been contemplated for getting service connection, as per which an intending consumer, who is not the owner of the premises, shall produce a consent letter from the owner of the premises for availing supply and if the owner refuses to give consent letter, the intending consumer shall produce proof of his or her being in lawful occupation of the premises and also execute indemnity bond and, accordingly, prays for appropriate orders.

5. This Court, upon hearing the rival submissions and taking into consideration the facts and circumstances, is of the view that the impugned order is liable to be quashed and the matter requires reconsideration by the first respondent.

6. In the result, this Writ Petition is allowed in part and the impugned order of the first respondent is set aside. The matter is remanded to the first respondent, who shall put the petitioner as well as R.M.Govindan on notice, and, thereafter, adjudicate the issue

on merits and pass orders within a period of six weeks from the date of receipt of a copy of this order, and communicate the decision taken to the petitioner as well as to R.M.Govindan. No costs. Consequently, the connected M.P.Nos.1 and 2 of 2015 are closed.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

To

1. The Assistant Engineer,
TANGEDCO,
CEDC/METRO,
Selvapuram,
Coimbatore-26.
2. The Superintending Engineer,
Tamil Nadu Electricity Board,
Chennai-600 002.

+1cc to Mr.R.Chellappa, Advocate SR 39505

SCD (CO)
RS 14.08.2015

W.P.No.16426/2015

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