

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P. No.29586 of 2015
and M.P.No.1 of 2015

C.Mathaiyan

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Petitioner

Vs.

- 1.The Chairman
Tamilnadu Electricity Board,
144, Anna Salai, Chennai - 600 002.
- 2.The Superintending Engineer,
Tamilnadu Generation Distribution
Corporation (TNEB)
Mettur Electricity Distribution Circle,
Mettur Dam - 636 401,
Salem District.
- 3.The Executive Engineer,
Operation & Maintenance,
Tamilnadu Generation Distribution
Corporation (TNEB), Omalur Division,
Omalur - 636 455,
Omalur Taluk, Salem District.
- 4.The Assistant Executive Engineer,
Operation & Maintenance,
Tamilnadu Generation Distribution
Corporation (TNEB), Kattampatty,
Jalakandapuram Sub Division,
Jalakandapuram - 636 501
Mettur Taluk.
Salem District.
- 5.The Assistant Engineer,
Operation & Maintenance,
Tamilnadu Generation Distribution
Corporation (TNEB)
Jalakandapuram (South) Section,
Jalakandapuram - 636 501
Mettur Taluk, Salem District.

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Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution

of India for issue of writ of mandamus forbearing the respondents from disconnecting the service connection No.04-131-009-1120 in respect of the Well situate in Survey No.494/4, Pakkanadu Village, Ammankoilkadu, Edappadi Taluk, Salem.

For Petitioner : Mr.P.Valliappan
For Respondents : Mr.S.K.Rameshuwar

O R D E R

The petitioner is a resident of Ammankoilkadu, Pakkanadu Village, Adaiyur PO, Edappadi Taluk, Salem District and he owns lands in Survey No.491/2 and 494/4, Ammankoilkadu, Pakkanadu Village. He got agricultural connection to his open well with Service connection No.04-131-009-1120. As per records, the service connection is in respect of the well situated in Survey No.491/2 whereas, the service connection is given to the well situated in Survey No.494/4 covered by Patta No.429. Only after inspection, the Engineer, Tamilnadu Electricity Board gave connection about 15 years ago. When things stands so, the respondent issued notice dated 08.06.2015 and 12.08.2015 calling upon the petitioner to give the details of land in which the well is situated and for which the electricity service connection was given. It is also stated in the notice that if the required documents and reply is not received, action would be taken against the petitioner. Apprehending the said action of the respondents, the petitioner is before this court seeking writ of mandamus prohibiting the respondents from disconnecting the electricity service connection bearing No.04-131-009-1120.

2. Heard Mr.P.Valliappan, learned counsel appearing for the petitioner and Mr.S.K.Rameshuwar, learned counsel appearing for the respondents.

3. The officer is present before this court and he produced the records. Though Mr.Rameshuwar, learned standing counsel for TNEB, on instruction would submit that only to get clarified with regard to the Survey Number of the land and the location of well to which the electricity connection was given, the respondents had sought for the documents from the petitioner. It is seen that the said communication is based on a complaint dated 27.02.2015 given by one S.Seviappan of the same village.

4. A perusal of the said complaint would show that the said Seviappan claims the land in which the well is situated, namely Survey No.491/2 belongs to him and that, by fabricating the computer patta, the petitioner has got electricity service connection.

5. It is very unfortunate to note that based on the complaint received from Seviappan which does not disclose any material evidence, the fifth respondent has issued notice to the petitioner to produce the relevant documents. In fact, the fifth respondent should have called upon the complainant to produce the relevant document with regard to his claim in respect of the said property. Assuming for a moment that even if there is a dispute, the respondent has got no jurisdictional power to decide about the issue and if at all, only the Civil Court can decide the issue. Moreover, the electricity service connection is not given recently but it was given about 15 years ago. When that is the position, the issuance of notice by the fifth respondent is unjustified, unwarranted and to be deprecated and it is accordingly, deprecated.

6. Though this writ petition has been filed for writ of mandamus, this court *suo moto* quashes the notice dated 08.06.2015 and 12.08.2015 issued by the fifth respondent by molding the prayer. Unnecessarily, an illiterate, rustic villager has been put to mental agony and hardship and was compelled to approach this court spending money. The officials are supposed to act as per law, especially in case of disturbing the existing electricity service connection, that too which was given 15 years ago. Instead of rejecting the complaint stating that there is no material evidence, the respondents ventured into unnecessary exercise of issuing notice to the petitioner. Though heavy cost has to be awarded against the respondent, taking into consideration, the position of the petitioner as a villager, this court does not want to award any costs as this would become a point for the respondent or his successor to treat the petitioner discriminately and cause unnecessary problems. The respondents are prohibited from anyway in disturbing or disconnecting the service connection of the petitioner.

7. With the above observation, the writ petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

-Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

To

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Mettur Taluk, Salem District.
- +1 cc to Mr.S.K.Rameshuwar,Advocate (sr.51764)
+1 cc to Mr.P.Valliappan,Advocate (sr.51625)

sv(co)
cp 07/10/2015

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