

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.29886 of 2014

&

M.P.No.1 of 2014

V.P.Periasamy

... Petitioner

vs.

The Executive Engineer (Operation and Maintenance)
Udumalai Electricity Distribution Circle
Dharapuram
Tirupur District

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent herein to grant additional load of 15 HP to his agricultural land situated at Survey No.797/B, Vellaigoundenpudur, Dharapuram Taluk, Tirupur District.

For Petitioner : M/s.J.Pothiraj

For Respondent : Mr.S.K.Rameshwar

O R D E R

By consent, the writ petition itself is taken up for final disposal.

2. This writ petition has been filed for issuance of a writ of mandamus directing the respondent to grant additional load of 15HP to his agricultural land situated in S.No.797/B, Vellaigoundenpudur, Dharapuram Taluk, Tirupur District.

3. The petitioner's father was granted a electricity service connection bearing S.C.No.209. In 2001, a scheme called Voluntary Disclosure Scheme was introduced in and by which the agricultural service connection owners, who would come forward to disclose the actual electricity being utilized, can get their service connection

regularized. It appears that the petitioner's father Palanichamy Gounder did not avail the benefit of the scheme and the service connection was disconnected for non-payment of current consumption charges. The petitioner's father filed W.P.No.23051 of 2004 challenging the disconnection as well as challenging the insistence upon "No Objection Certificate" from the Public Works Department on the ground that the Well is situated within the prohibited distance of 200 meters from the river Amaravathi. The respondent Board was under the impression that the writ petition filed by the petitioner's father was pending and the petitioner's father did not comply with the conditional order passed in the said writ petition. But, the information obtained from the Information Centre of this Court shows that the writ petition filed by the petitioner's father was disposed of as early as on 12.06.2006.

4. The Learned counsel for the petitioner submitted that the petitioner is ready and willing to pay the arrears of current consumption charges, belated payment charges, surcharges, dismantling charges etc., and prays that service connection may be revived.

5. The learned counsel appearing for the respondent Board submitted that the Well in question is situated within the prohibited distance and unless and until the Public Works Department grants No Objection Certificate, the request of the petitioner is not feasible for consideration.

6. It is seen that the service connection was disconnected for non-payment of current consumption charges. Therefore, this Court is of the view that if the petitioner is afforded an opportunity to make good the loss and comply with the entire demand as demanded by the respondent Board, the service connection can be revived. However, the additional load can be given only after the petitioner satisfies the other requirements such as "No Objection Certificate" from the Public Works Department as ordered in the proceedings dated 19.05.1994.

7. In the result, the writ petition is disposed of by directing the respondent to serve a demand on the petitioner mentioning the amount payable towards the arrears of current consumption charges, belated payment charges, surcharges, dismantling charges and any other charges leviable under the provisions of the Code and grant reasonable time to the petitioner to pay the same. On payment of the full amount as demanded by the Board, the respondent shall consider the petitioner's application for service connection and on the petitioner satisfying the other norms such as production of No Objection Certificate from the Public Works Department etc., and if the petitioner is eligible for additional service connection, the

respondent Board shall consider the petitioner's application for additional service connection.

8. The writ petition is disposed of with the above direction. No costs. Consequently, the miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

gpa

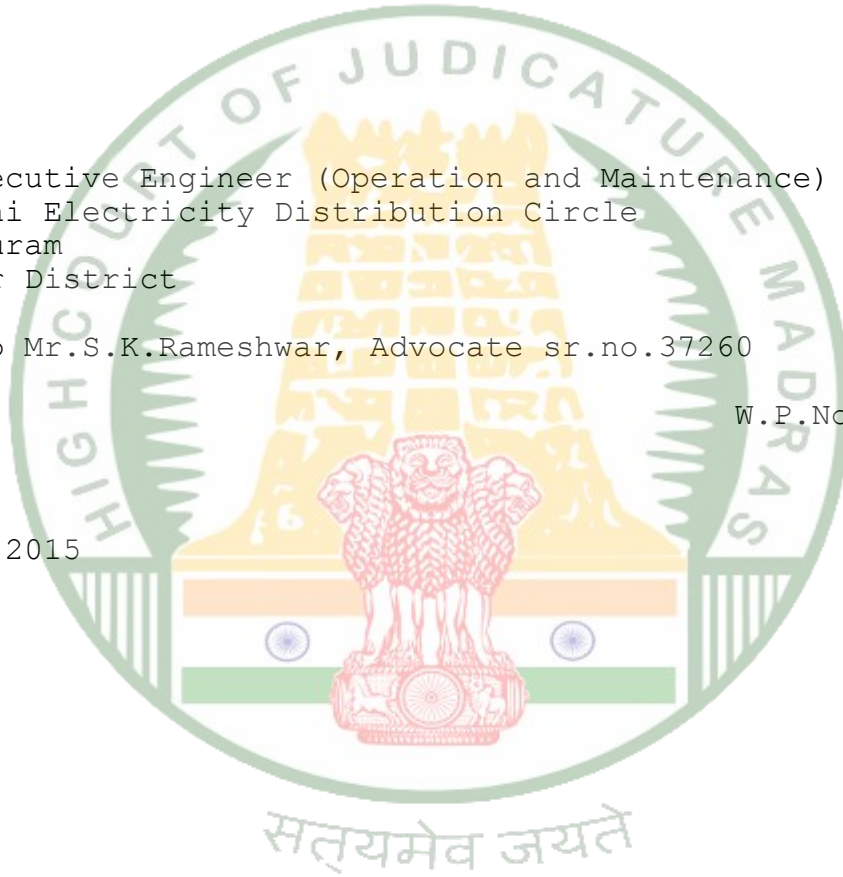
To

The Executive Engineer (Operation and Maintenance)
Udumalai Electricity Distribution Circle
Dharapuram
Tirupur District

+lcc to Mr.S.K.Rameshwar, Advocate sr.no.37260

W.P.No.29886 of 2014 &
M.P.No.1 of 2014

svi[co]
srg 05.08.2015



WEB COPY