

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2016

CORAM

THE HONOURABLE Mr.JUSTICE N.KIRUBAKARAN

W.P.No.14680 of 2016

V.Basavaraj

.. Petitioner

Vs

The Assistant Engineer,
Operation & Maintenance/TANGEDCO,
Sembarambakkam,
Tiruvallur District.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records in letter dated 19.02.2016 on the file of the respondent and quash the same as illegal, incompetent, erroneous and without jurisdiction and direct the respondent to effect service connection to the survey No.185/6, Sembarambakkam Village, Thiruvallur District as in application registration No.542016 dated 22.01.2016, on the file of respondent.

For Petitioner : M/s.V.Raghavachari

For Respondent : Mr.S.K.Raameshuwar for TNEB

ORDER

This writ petition has been filed for issuance of Writ of Certiorarified Mandamus, calling for the records in letter dated 19.02.2016 on the file of the respondent and quash the same and direct the respondent to effect service connection to the survey No.185/6, Sembarambakkam Village, Thiruvallur District as in application registration No.542016 dated 22.01.2016, on the file of respondent.

2.The petitioner applied for domestic electricity connection for the house comprised in S.No.185/6 at Sembarambakkam Village. However, the said application was rejected by the respondent on the ground that there is a proceeding pending in A.S.No.3 of 2010 before this Court. Challenging the said order, the petitioner has come before this Court.

3.Heard Mr.V.Raghavachari, learned counsel appearing for the petitioner and Mr.S.K.Raameshuwar, learned counsel appearing for the respondent.

4.A counter affidavit has been filed on behalf of the respondent stating that the respondent has inspected the property and found one small motor room with agriculture service connection No.568 in the name of Basaravaraj/the petitioner herein and motor equipment only and no house or shed were found requiring electricity connection.

5.The impugned order would show that the electricity connection was denied only based on the pendency of the appeal suit in A.S.No.3 of 2010. However, in the counter affidavit, it has been stated that there is no house in the said property. It is a trite law that the impugned order cannot be improved by way of an affidavit and a new reason cannot be given. In view of the above, the impugned order suffers and the same is hereby set aside and the matter is remanded back to the respondent who shall hear the petitioner and also the person who is opposing for giving the electricity connection to the petitioner and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order.

6.The writ petition is allowed accordingly. No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To:

The Assistant Engineer,
Operation & Maintenance/TANGEDCO,
Sembarambakkam,
Tiruvallur District.

+1 cc to Mr.V.Raghavachari, Advocate,SR.33586

+1 cc to Mr.S.K.Raameshuwar, Advocate,SR.33645.

scd(co)
krd 13/7

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