

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2016

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P. No.25418 of 2016

and WMP No.21742 of 2016

K.Nagaraj

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Petitioner

Vs.

1.Asst. Divisional Engineer,
Tamil Nadu Electricity Board,
Athupalayam Road,
Anuparpalayam,
Tirupur.

2.Junior Engineer,
Tamil Nadu Electricity Board,
Athupalayam Road,
Anuparpalayam,
Tirupur.

3.The Chairman, TNEB,
Chennai - 2.

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Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India for issue of writ of mandamus directing the respondents to restore electricity connection to the petitioner's premises at No.36, Mariamman Koil St., Anuppurpalayam, No.15 Velampalayam Village, Tirupur having service connection No.031680042696.

For Petitioner : Mr.K.Gajendiran

For Respondent : Mr.S.K.Rameshuwar

O R D E R

The petitioner contends that he and his brother jointly purchased the land measuring about 3000 sq.ft. comprised in Survey No.402 situated at No.15, Velampalayam Village, Mariamman Koil Street, Anuparpalayam from one R.Karuppasamy as per sale deed registered as document No.1709/2000 dated 12.06.2000. Subsequently, the petitioner and his brother

constructed ten houses and each of them took five houses. The petitioner's brother obtained electricity services connection for the five houses owned by him.

2. During January 2016 only, the petitioner applied for electricity service connection and got the same vide consumer No.031680042696 and also paid a sum of Rs.250/- towards consumption charges for the month of April 2016. While so, the petitioner's electricity service connection was disconnected during last week of May 2016. In spite of approaching the respondent for restoration, the electricity service connection has not been restored compelling the petitioner to come before this Court by way of this writ petition.

3. Mr.S.K.Rameshuwar, learned standing counsel for the petitioner would submit that disconnection of electricity service connection in respect of the petitioner was effected based on the petitioner's letter dated 03.06.2016 and he produced the said letter before this Court. By producing the said letter, the learned standing counsel on instruction would submit that it is only on the request of the petitioner and not a unilateral action on the part of the respondent.

4. Heard the parties and perused the records.

5. It is unbelievable that a person who got electricity service connection on 17.03.2016 for his newly constructed house would request the authorities to disconnect the same, that too, within a period of three months. If really the petitioner has given a letter for disconnection of electricity service connection, atleast the respondent would have verified as to why the electricity service connection which was obtained only three months ago is sought to be disconnected. No such exercise has been done by the respondent.

6. The contention of the petitioner is that it should be handy work of somebody else, for which the petitioner is unnecessarily harassed. This Court has got every reason to believe that the respondent has mechanically acted based on the letter believing that as if it has been given by the petitioner. It is stated that Anuparpalayam forms part of Tirupur. When such a vast area is available and many houses are available in that area, it is impossible for the officer to remember each and every consumer in that area. It is futile to contend that the petitioner alone has come and given the letter to the respondent for disconnection. Therefore, this Court, has got no hesitation to come to the conclusion that the petition for disconnection of electricity service connection of the petitioner has given fraudulently to cause the petitioner to untold misery and harassment. Therefore, the respondent is directed to restore the electricity service connection of the petitioner bearing

No.031680042696, within twenty four (24) hours, i.e. by 5.00 p.m. tomorrow the 23.07.2016 and report the matter before this Court on 25.07.2016.

7. With the above direction, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

8. Post the matter for compliance on 25.07.2016

22.07.2016

This Petition having been posted on 25/7/2016 and 04/08/2016 for compliance in pursuance of the order of this court dated 22.07.2016 made in WP.No.25418/16 in the presence of above said advocate this court made the following order:

It is represented by Mr.S.K.Rameshwar, learned Standing Counsel, for the respondent that electricity service connection was restored on 23.7.2016 morning itself. However, the learned counsel for the petitioner is not present to confirm as to whether connection has been given or not.

Call the matter on 27.7.2016 by printing the name of Mr.S.K.Rameshwar for respondents.

25/07/2016

As per the order passed by this Court on 22.07.2016 electricity connection was restored to the Petitioner, submits Mr.S.K.Raameshwar, learned counsel for Respondents.

In view of the said submission, no further orders are necessary.

-s/d-

Assistant Registrar

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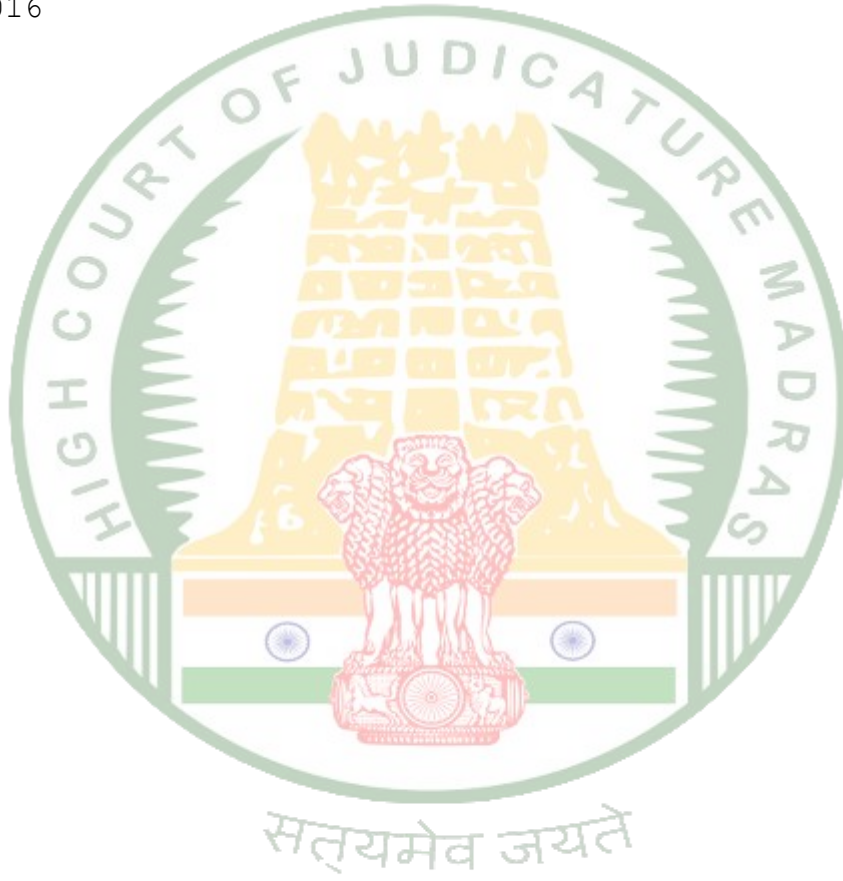
Sub-Assistant Registrar

To
1.Asst. Divisional Engineer,
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