

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 04-03-2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.8199 OF 2015

S.Devi ... Petitioner

-vs-

- 1.The Superintending Engineer (O&M),
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Tamil Nadu Electricity Board,
Chennai Electricity Distribution Circle/West,
Mogappair West,
Chennai-37.
 - 2.The Assistant Engineer (O&M),
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Tamil Nadu Electricity Board,
Chennai Electricity Distribution Circle/West,
Mogappair West,
Chennai-37.
- ... Respondents

Petition under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus, directing the respondents to restore the electricity service connection bearing No.043-029-411 in Door No.95, Vellalar Street, Mogappair West, Chennai-37.

For petitioner : Mr.C.Prakasam
For respondents : Mr.P.R.Dhilipkumar

ORDER

Petitioner has filed this Writ Petition, for a direction to the respondents to restore the electricity service connection bearing No.043-029-411, granted in respect of a shop in Door No.95, Vellalar Street, Mogappair West, Chennai-37.

2. The admitted case of the petitioner is that there was a shop and the petitioner wanted to demolish and reconstruct the same, for which, she applied for disconnection of the service connection, which was, accordingly, disconnected, and,

thereafter, she was given a temporary commercial connection for construction. The petitioner's apprehension is that her domestic service connection in respect of her house property at No.26, Karnam Street, Mogappair West, Chennai, will be disconnected since there is an allegation of theft of energy in respect of service connection granted to the shop bearing No.043-029-411, which still stands in the name of the petitioner's vendor, namely, D.Chandrika. The petitioner submits that she has paid the compounding fee and she is ready to face any proceedings in respect of the service connection granted to the shop and, accordingly, she pleads that her domestic service connection should not be disconnected.

3. As rightly pointed out by the learned counsel for the respondents, if there is a default in payment in respect of any one of the service connections belonging to the same person, the other service connection is also liable for disconnection, and, therefore, to save the domestic service connection granted to the house at No.26, Karnam Street, Mogappair West, Chennai, the petitioner has to pay the defaulted amount.

4. At this stage, this Court is not inclined to direct the petitioner to pay the entire amount. However, the petitioner is directed to pay a sum of Rs.50,000/- to the second respondent within a period of four weeks from the date of receipt of a copy of this order and if such amount is paid, the petitioner's domestic service connection granted to the house at No.26, Karnam Street, Mogappair West, Chennai, shall not be disconnected. Failure to pay the said amount as directed supra, the relief granted herein will not accrue to the petitioner and it is open for the second respondent to proceed in accordance with law. In respect of the connection given to the shop, the same need not be restored and the second respondent is directed to proceed further on the allegation of theft of energy, by following the procedure contemplated in the Regulations and if the petitioner is ultimately exonerated, then, the second respondent shall consider the request of the petitioner for reconnection of Service Connection No.043-029-411, within a period of four weeks thereafter.

5. Writ Petition is disposed of accordingly. No costs. Consequently, the connected W.M.P.No.7291 of 2016 is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

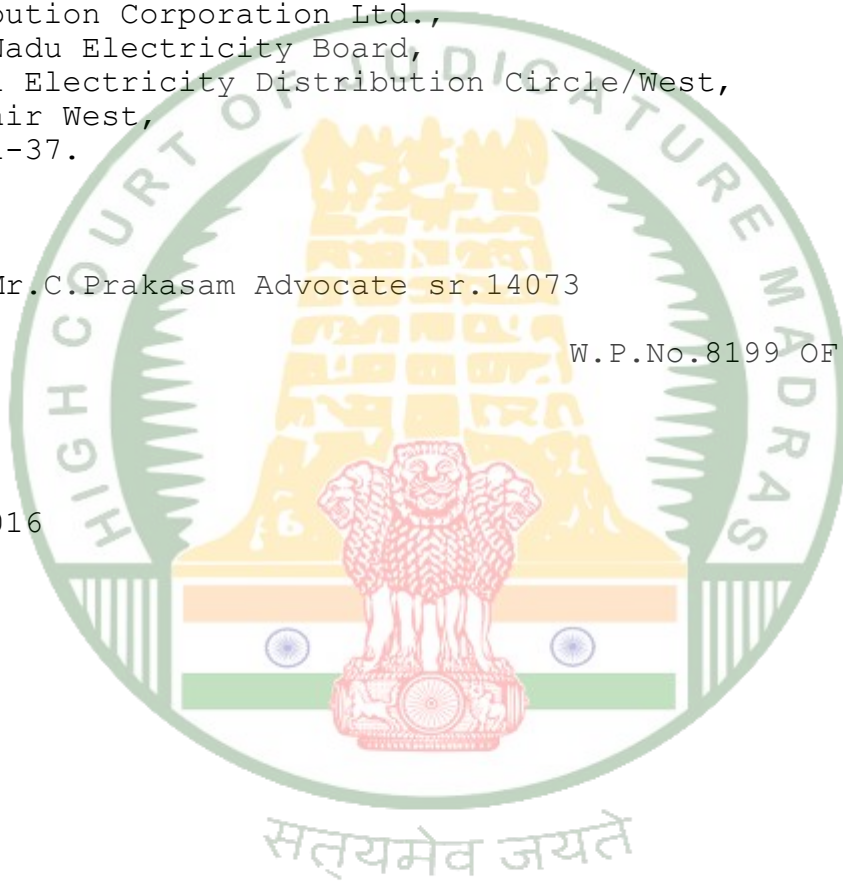
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+1 cc to Mr.C.Prakasam Advocate sr.14073

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