



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P (MD) No.7022 of 2014

and

M.P. (MD) No.1 of 2014

K.Kanagaraj

.. Petitioner

Vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Sub Collector,
Kovilpatti,
Thoothukudi District.

3.The Executive Engineer,
Tamil Nadu Electricity Board,
Ettaiyapuram Road,
Thoothukudi,
Thoothukudi District.

4.The Assistant Divisional Engineer,
Tamil Nadu Electricity Board,
Villathikulam,
Thoothukudi District.

5.The Assistant Engineer,
Tamil Nadu Electricity Board,
Villathikulam,
Thoothukudi District.

6.K.Nalanda

7.K.Gowsalya

.. Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 3 to 5 herein to Restore the Service Connection No.613, Thulasipatti, Villathikulam Taluk, Thoothukudi District and consequently direct the respondents 3 to 5 herein to consider the respondents 3 to 5 herein representation dated 12.04.2014 to change the above said service connection.



For Petitioner : Mr.S.Kanagarajan
For Respondents : Mr.Aayiram K. Selvakumar
1 and 2 Government Advocate
For Respondents : No appearance
3 to 7

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O R D E R

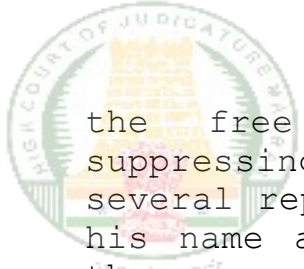
This Writ Petition has been filed for issuance of a Mandamus to direct the respondents 3 to 5 herein to restore the Service Connection No.613, Thulasipatti, Villathikulam Taluk, Thoothukudi District and consequently direct the respondents 3 to 5 herein to consider the petitioner's representation dated 12.04.2014 to change the above said service connection.

2.Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents 1 and 2.

3.The petitioner's case in brief as stated in the affidavit filed in support of the writ petition are as follows:

3.1.The petitioner is enjoying the property, namely, an extent of 1 hectare of punja land in Survey No.64/5 in Kamalapuram Village, in Thoothukudi Registration District and Villathikulam Sub Registration Circle. The petitioner claimed that the property belongs to his maternal uncle and that by virtue of a Will executed by him on 18.09.2007, he is entitled to the property upon the death of his maternal uncle on 15.05.2008. The petitioner states that he made a family arrangement in favour of his two married daughters, who are respondents 6 and 7 in this writ petition by way of registered settlement deeds bearing document Nos.2473 and 2474 of 2009. Even before acceptance of the settlement deed, the petitioner states that he had cancelled the settlement deeds in favour of his daughters as they neglected the petitioner without providing food, cloth and shelter and other medical facilities, despite that he was seriously ill. It was the further case of the petitioner that he was in enjoyment of the property right from the date of execution of the settlement deeds. The petitioner's specific case is that he dug a bore-well and obtained electricity service connection in the name of his elder daughter, namely, sixth respondent and that the electricity service connection was provided to the sixth respondent based on the consent letter given by the petitioner and the seventh respondent.

3.2.Though the fourth respondent has effected service connection on 12.03.2011 vide service connection No.613, as a free agriculture service connection, with three phases which was supplied to the respondents 4 and 5, the fourth and fifth respondent disconnected the service connection on the representation of the respondents 6 and 7 that they do not require



the free electricity service connection (Agriculture) by suppressing the relevant facts. Though the petitioner has given several representations for transferring the service connection in his name and not to disconnect the existing service connection, the respondents 3 to 5 have disconnected the power supply without even issuing a show cause notice or an intimation to the petitioner despite the fact that the petitioner, was irrigating his agricultural land only by using the electricity service connection to draw water for irrigation purpose. The petitioner has also pleaded that the action of the respondent to disconnect the service connection is vitiated on account of collusion between the official respondents on the one side and the respondents 6 and 7 on the other side.

4.While hearing the writ petition, it is brought to the notice of this Court that pursuant to the direction of this Court for restoration of the service connection, the electricity service connection was restored to the petitioner and that the petitioner is getting supply pursuant to the restoration of the electricity service connection. In that view of the matter, this Court is inclined to direct the respondents 3 to 5 to consider the petitioner's representation dated 12.04.2014 and pass orders on merits and in accordance with law, after hearing the objections of the respondents 6 and 7, within a period of six weeks from the date of receipt of a copy of this order and the respondent 3 to 5 are at liberty to continue the supply of electricity or disconnect the service connection depends upon the outcome of the order that would be passed by the respondents on the representation of the petitioner.

5.With the above direction, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/
Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar.

To

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+1CC to M/S. S.Kanagarajan, Advocate, SR.No. 42156

W.P. (MD) No. 7022 of 2014
03.08.2016

SRM
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