

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.3072 of 2017

Chinnathambi
S/o Veerappa Gounder

..Petitioner

-vs-

1. The District Forest Officer
Salem Division, Salem
Salem District

2. The Assistant Engineer (O & M)
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Tamil Nadu Electricity Board
Edapadi, Salem District

..Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, forbearing the second respondent from disconnecting the petitioner's electricity service connection in S.C.No.04-109-012 0773/IIIB at No.19, Thathapuram Main Road, Nainampatti, Edapadi Taluk, Salem District.

For Petitioner

::

Mr.C.Prakasam

For Respondents

::

Mr.N.Inbanathan

Government Advocate (Forests)
for R1

Mr.S.K.Rameshuwar for R2

ORDER

This writ petition has been filed by Mr.Chinnathambi, S/o Veerappa Gounder, who was running a saw mill in the name and style of 'Chinnathambi Saw Mill' at No.44/4B, Thathapuram Main Road, Nainampatti, Edapadi Taluk, Salem District, seeking a prayer for issuance of a writ of mandamus, directing the Assistant Engineer (O&M), Tamil Nadu Electricity Generation and Distribution Corporation Limited, Edapadi from disconnecting his electricity service connection in S.C.No.04-109-012-0773/IIIB at

No.19, Thathapuram Main Road, Nainampatti, Edapadi Taluk, Salem District, on the ground that when he had purchased the said saw mill in the year 1997 along with the domestic service connection in the name of his vendor in S.C.No.250, now changed as S.C.No.109-012-250, he has not changed the said electricity service connection in his name, for the reason that he has undertaken only small wood works. However, after 2006, he has shifted the said saw mill to the present place, which is adjoining the old saw mill. Subsequently, he obtained the electricity service connection and he has also obtained the saw mill licence in the year 2011 from the first respondent-District Forest Officer, Salem. When all other departments have scrutinised the petitioner's application followed by the inspection and the saw mill licence was issued for five years, which came to an end on 31.3.2016, the petitioner made an application along with the prescribed fee before the first respondent on 30.12.2015 for renewal of the said licence and the first respondent also inspected the saw mill on 13.2.2016. But unfortunately, the Assistant Engineer, TANGEDCO, without verifying the entire documents, has misled the first respondent through his communication stating that the service connection effected on 15.7.2002 is not for saw mill. Therefore the impugned show cause notice has been issued by the first respondent calling upon the petitioner to submit his explanation whether the connection was obtained prior to 2002 or in 2006, for which the petitioner also submitted his explanation. Moreover, he has also submitted the renewal application even prior to expiry of his saw mill licence No.46/2011. But the first respondent, till date, has not passed any order. Under this background, the grievance of the petitioner, he pleaded, shows that when the petitioner has been running the saw mill after obtaining the saw mill licence in his name from the year 2011, the first respondent, while issuing the show cause notice calling upon the petitioner to submit his explanation, cannot unilaterally, without any further notice, direct the second respondent to disconnect the electricity service connection, which will cause grave prejudice to his livelihood. On this basis, he prayed for a direction to the first respondent to pass a final order on the basis of the materials placed on record by the petitioner.

2. But this Court is not inclined to entertain the writ petition at the show cause notice stage. When the petitioner was issued with the show cause notice dated 26.12.2016 calling upon him to submit his explanation, it is his duty to approach the first respondent and clarify all the doubts whether the saw mill was established in the year 2002 or 2006 or 2011 by producing all the documents. A perusal of the impugned show cause notice shows that the petitioner was given 15 days time to submit his explanation. Therefore, no prejudice will be caused to the petitioner, if the writ petition is dismissed with a direction to

the petitioner to approach the first respondent to offer his explanation with the support of all the documents. Accordingly, with such liberty, the writ petition stands dismissed. Consequently, W.M.P.No.2994 of 2017 is also dismissed. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The District Forest Officer
Salem Division, Salem
Salem District
2. The Assistant Engineer (O & M)
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Tamil Nadu Electricity Board
Edapadi, Salem District

+1 CC to Mr.C.Prakasam, Advocate Sr.No.8041.

+1 CC to Government Pleader, High Court, Chennai Sr.No.8382.

W.P.No.3072 of 2017

NR(CO)
KP(17.03.2017)

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