

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2017
CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.20874 of 2017
and
W.M.P.Nos.21734 & 21735 of 2017

P.Kumaresan

... Petitioner

vs.

1. The Collector,
Erode District,
Erode - 638 011.
2. The Assistant Commissioner,
Corporation of Erode,
Kasipalayam Zone-4,
Erode.
3. The Superintending Engineer,
(Distribution),
TANGEDCO.,
Erode Electricity Distribution Circle,
Erode.
4. The Assistant Executive Engineer,
Distribution (South),
TANGEDCO, Erode Electrical Distribution Circle,
Erode.
5. The Assistant Engineer,
Distribution (South),
TANGEDCO,
Erode Electrical Distribution Circle,
Erode-2.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records culminating in the order of the first respondent dated 29.06.2017 made in Pa.Mu.No.11965/2017/K.4 and the consequential order of the fifth respondent dated 19.07.2017 made in letter No.AE/E&P/K/E/KoMe/Sl.No.197/2017 and quash the same and consequently direct the fifth respondent to restore the electrical service connection No.026.001.1873

For Petitioner : Mr.R.Thilagavathi,
Senior Counsel
for Mr.R.Gophinath

For Respondents : Mr.P.V.Selvakumar
Additional Government Pleader for R1
Mr.S.K.Rameshwar,
Standing counsel for R3 to R5.

O R D E R

The petitioner is aggrieved against the disconnection of power supply given to the petitioner's agricultural land in Service Connection No.026.001.1873 under Tariff V for the bore well situated therein.

2. Heard the learned senior counsel appearing for the petitioner and the learned Special Government Pleader appearing for the first respondent and also the learned Standing Counsel appearing for the TANGEDCO.

3. The reason stated in the impugned proceedings issued by the first respondent for not effecting the service connection is that the same was inevitable due to the drought which prevailed at the relevant point of time.

4. Learned senior counsel appearing for the petitioner would submit that the when the impugned proceedings itself was issued for a temporary period and as of now, when the situation has improved, the respondents can reconnect the service connection to the petitioner's bore well.

5. When the matter was taken up for hearing on 14.12.2017, learned Special Government Pleader is directed to get instructions from the first respondent with regard to the present state of affairs. Accordingly, the matter is listed today. Learned Additional Government Pleader has produced a copy of the written instructions given to the first respondent dated 20.12.2017 wherein it is stated as follows:

"The 1st respondent had mentioned in his order dated 29.06.2017 that the disconnection of electrical service connection is purely temporary till the drought conditions are over. Now rainfall season had been completed and the district had received moderate rain though not copious. Now the Commissioner, Erode Corporation had sent a report to the 1st respondent stating that the ground water level in the area had increased and therefore, disconnected power supply of the writ petitioner may be restored with conditions."

6. Learned Standing counsel submitted that in view of the undertaking given by the first respondent, the 5th respondent will consider and take appropriate action, based on the instructions received from the first respondent for effecting the reconnection of the power supply.

7. Learned senior counsel for the petitioner submitted that the above statement made by the first respondent may be recorded and the writ petition may be closed, however, by granting liberty to the petitioner to agitate the matter if any fresh cause of action arises in future.

8. Accordingly, by recording the above undertaking given by the first respondent, this writ petition is disposed of by granting liberty to the petitioner as stated supra. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Collector,
Erode District,
Erode - 638 011.
2. The Assistant Commissioner,
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Kasipalayam Zone-4, Erode.
3. The Superintending Engineer,
(Distribution),
TANGEDCO., Erode Electricity Distribution Circle,
Erode.
4. The Assistant Executive Engineer,
Distribution (South),
TANGEDCO, Erode Electrical Distribution Circle,
Erode.
5. The Assistant Engineer,
Distribution (South),
TANGEDCO,
Erode Electrical Distribution Circle,
Erode-2.

+1cc to Mr.R.Gopinath, Advocate, S.R.No.91728

+1cc to the Government Pleader, S.R.No.92140

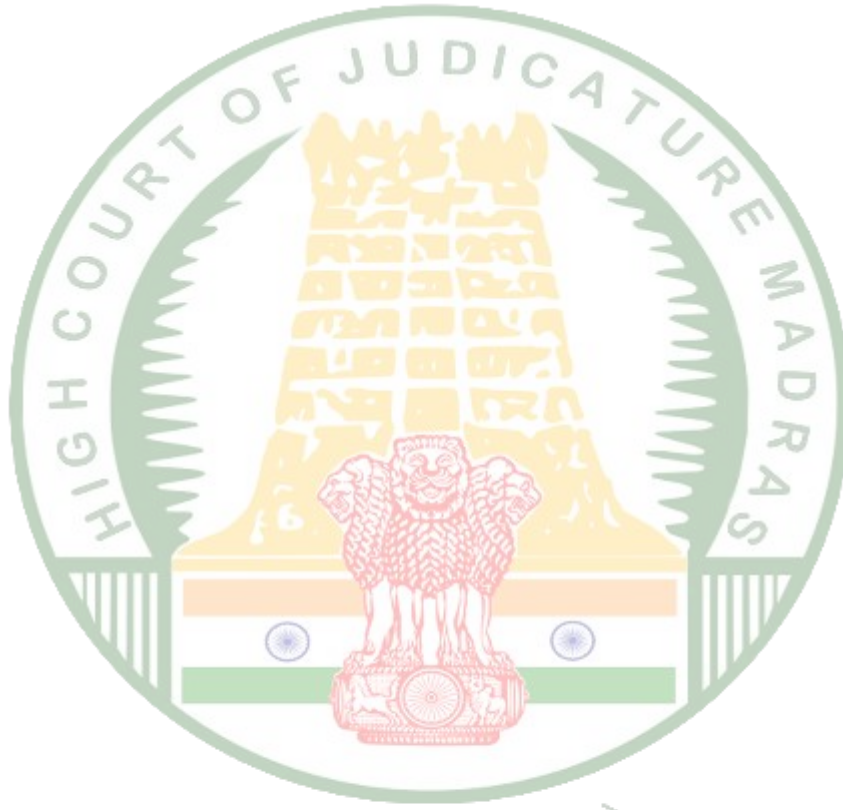
W.P.No.20874 of 2017

RRK(18/01/2018)



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