

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2017

CORAM :

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.1595 of 2017
and WMP.No.1568 of 2017

P.Kandasamy ... Petitioner

vs.

1. The Superintending Engineer
Tamil Nadu Generation and Distribution
Corporation Limited,
Kallakurichi, Villupuram.
2. The Executive Engineer
Tamil Nadu Generation and Distribution
Corporation Limited,
Kallakurichi.
3. The Assistant Engineer
Tamil Nadu Generation and Distribution
Corporation Limited,
Nainarpalayam. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus, directing the respondents to consider petitioner's representation, dated 14.12.2016 and pass orders to restore the electricity connection to the service bearing No.02-567-006-156 in accordance with law.

For petitioner : Mr.V.R.Kamalanathan
For respondents : Mr.M.Varunkumar for R1 to R3

Ms.Suganyadevi Duraichamy
(Advocate-Commissioner)

ORDER

This writ petition has been filed by P.Kandsamy, seeking writ of mandamus, directing the respondents to consider the petitioner's representation, dated 14.12.2016 and pass orders to restore the electricity connection to the service bearing No.02-567-006-156 in accordance with law.

2. Pending writ petition, this Court, by order, dated 06.02.2017 appointed Ms.Suganyadevi Duraichamy as Advocate-Commissioner to go into question whether the fencing put up by the petitioner around his agricultural land is connected with the electricity service connection illegally.

3. Pursuant to the warrant appointing Ms.Suganyadevi Duraichamy as Advocate-Commissioner, after executing the warrant report has been filed by the Advocate-Commissioner clearly mentioning in paragraph 3 therein that she verified the Electricity service connection bearing No.02-567-006-156 relating to the petitioner's land with the officials and it was found that the petitioner's lands are agricultural lands with a well having drip water irrigation and the said lands are completely fenced with barbed wire fencing around all the four sides of the land. Her report also further says that even the officials of the respondents had also informed that after the date of incident, they have verified on various occasions and they did not find any inner fencing connected with electricity supply.

4. It shows that the allegation made by the respondents for disconnection of the electricity connection that only due to energizing the fencing put up around the petitioner's land, the electrocution has occurred and therefore, the electricity service connection was disconnected is highly far from acceptance. Therefore, the prayer of the petitioner to consider his representation, dated 14.12.2016 and pass orders to restore the electricity connection to the service bearing No.02-567-006-156 deserves to be accepted.

5. In view of the above, this writ petition is allowed and the respondents are directed to restore the electricity connection of the petitioner to the service bearing No.02-567-006-156 forthwith. No costs. Consequently, connected miscellaneous petition is closed. Both the parties are directed to pay additional remuneration of Rs.5,000/- each to the Advocate-Commissioner.

Sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

1. The Superintending Engineer
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Kallakurichi, Villupuram.
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Corporation Limited,
Kallakurichi.

3. The Assistant Engineer
Tamil Nadu Generation and Distribution
Corporation Limited,
Nainarpalayam.

+1 cc to Mr.M.Varunkumar,advocate,sr.9563

+1 cc to Mr.V.R.Kamalanathan,advocate,sr.9453.

kk(co)
krd 17/2

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