



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 16.03.2017

CORAM:

WEB COPY

THE HONOURABLE Mr.JUSTICE S.S.SUNDAR

W.P. (MD) No.1468 of 2017
and W.M.P. (MD) Nos.1178 and 1179 of 2017

S.K.N.Coirs

Rep.by its Proprietor,

S.K.Karventhan

... Petitioner

Vs.

1.The Executive Engineer,
Operation and Production,
Musiri Taluk,
Tiruchirapalli District.

2.The Assistant Engineer,
TNEB, Vellalapatti Road,
Thumbalam, Musiri Taluk,
Tiruchirapalli District.

3.The Junior Engineer,
TNEB, Vellalapatti Road,
Thumbalam, Musiri Taluk,
Tiruchirapalli District.

4.The Divisional Engineer,
TNEB, Vellalapatti Road,
Thumbalam, Musiri Taluk,
Tiruchirapalli District.

5.S.Bakkurdeen

... Respondents

(R5 is impleaded vide Court order
dated 02.02.2017 in WMP(MD)No.1463/2017)

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the 1st respondent in his proceedings in Ka.No.Se.Po/E.Ka/Mu./U.Varai/Ko.Mi.A.Puhar/No.108/16-17 dated 14.12.2016 and quash the same as illegal and consequently, direct the 1st respondent to restore the service connection No.287 001 845 III B.

For Petitioner : Mr.N.Mohideen Basha

For Respondents : Mr.E.P.Venkateshwaran for

Mr.S.M.S.Johny Basha, S.C.for R1 to R4
No appearance for R5

O R D E R

This Writ petition is filed to quash the impugned proceedings of the 1st respondent dated 14.12.2016 directing disconnection of the electricity service connection to the petitioner's premises, in which, he was carrying on business.

2. Though notice was issued to the 5th respondent and the name of the 5th respondent was printed in the cause list, there is no representation for the 5th respondent.

3. As per the said impugned proceedings, the 1st respondent disconnected the electricity supply on the ground that the landlord of the premises of the petitioner has requested the 1st respondent to disconnect the electricity supply for the purpose of carrying out some repair works and that there is a dispute regarding tenancy. Neither an order of injunction nor a case is pending before any Court. The 1st respondent issued the direction, stating that the order of disconnection is passed purely at the instance of the landlord of the petitioner.

4. From the reading of the impugned order, it is made clear that the petitioner was not given an opportunity. However, a representation of the petitioner dated 22.11.2016 was referred to in the impugned order.

5. Electricity service connection is an essential requirement for carrying on business. Article 19(1)(g) of the Constitution protects the right of a citizen to carry on business. The impugned order does not state any reason nor supported by any rules or regulations particularly under Tamil Nadu Electricity Supply Code regarding the manner in which the electricity service connection can be given or disconnected. Even without the consent of the landlord, electricity service connection can be effected at the request of the tenant subject to the tenant complying with certain conditions.

6. In such circumstances, the impugned order is set aside. The 1st respondent is directed to restore the electricity service connection immediately within a period of one week from the date of receipt of a copy of this order. No costs. Consequently, connected M.P.s. are closed.

Sd/

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar.



To

1.The Executive Engineer,
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4.The Divisional Engineer,
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Thumbalam, Musiri Taluk,
Tiruchirapalli District.

+1CC to M/S.N.Mohideen Basha, Advocate, SR.No. 15337

W.P. (MD) No.1468 of 2017
16.03.2017

nbg

AM/CM MSA/SAR-3/20.03.2017/3P/6C