

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 13.09.2017

CORAM :

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THE HONOURABLE MR.JUSTICE T.RAJA**WP(MD)No.16773 of 2017****and****W.M.P. (MD)No.13371 of 2017**

M.Krishnamoorthy

... Petitioner

vs.

1. The Superintendent Engineer,
Maintenance & Operation,
Tamil Nadu Generation and Distribution
Corporation Limited,
Theni.
2. The Executive Engineer,
Maintenance & Operation,
Tamil Nadu Generation and Distribution
Corporation Limited,
Chinnamanur.
3. The Assistant Executive Engineer,
Maintenance & Operation,
Tamil Nadu Generation and Distribution
Corporation Limited,
Cumbum.
4. The Assistant Engineer,
Maintenance & Operation,
Tamil Nadu Generation and Distribution
Corporation Limited,
Koodalur.

... Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents to restore the electricity connection in SC.No.R.94, situated in S.No.2530/1 A, Melakoodalur Village, Uthamapalayam Taluk, Theni District.

For Petitioner : Mr.S.Kadarkarai

For Respondents : Mr.E.P.Venkateshwar

<https://hcservices.ecourts.gov.in/hcservices/>for Mr.S.M.S.Johny Basha
Standing Counsel for TNEB

**ORDER**

The petitioner has come to this Court for issuance of a Writ of Mandamus, directing the respondents to restore the electricity service connection in S.C.No.R.94, situated in Survey No.2530/1 A, Melakoodalur Village, Uthamapalayam Taluk, Theni District, as the said connection was disconnected without any notice and without following the procedure and law, four months ago.

2.Due to disconnection of electricity supply by the fourth respondent herein, the petitioner is unable to protect the coconut trees and crops raised in his patta land. As a result, they are getting spoiled. However, when the fourth respondent disconnected the electricity power supply in S.C.No.R.94 for unknown reason, a request was made to assign the reasons for disconnection, but the fourth respondent failed to assign any reason for such disconnection and therefore, the petitioner orally requested the fourth respondent to restore the electricity service connection. The said request was also declined by him. Thereafter, a representation was made on 07.08.2017. Again, the fourth respondent has not taken any steps to restore the electricity service connection. In view of failure to restore the electricity service connection for the past four months, again, the petitioner has been put to irreparable loss.

3.The learned counsel for the petitioner submitted that the land, in which electricity service connection was given, was purchased by the petitioner vide registered sale deed, dated 12.12.1997 along with service connection. Therefore, for the past 20 years, he has been using the said electricity service connection without giving any room for complaint. But, the fourth respondent to his shock and surprise, without issuing any notice, on the ground that the petitioner is taking water from the river, disconnected the electricity service connection and a notice ought to have been given to the petitioner, to explain his defence and no such opportunity was given to him. Therefore, a direction be given to restore the electricity service connection to safeguard and protect the standing crops and the coconut trees.

4.Today, the petitioner has filed an affidavit of undertaking before this Court stating that he would not use the electricity connection illegally by drawing water from the river henceforth.

5.The learned Standing Counsel appearing for the respondents submitted that the District Collector, Theni, has issued a proceeding, dated 23.03.2017, directing the Electricity Department to take all steps to disconnect electricity service connections, if they are found taking water from the well erected illegally in Mullai Periyar River. On the basis of the proceedings, dated 23.03.2017, issued by the District Collector, Theni, an inspection



was conducted and it was found that 34 persons were drawing water directly from the river by erecting the well. The petitioner was also one among them, but this has been denied by the petitioner stating that at no point of time, he has drawn water from the Mullai Periyar River illegally by erecting well. Moreover, the respondents again said that the petitioner by erecting well inside the river, has illegally drawn water. In any event, the petitioner has undertaken that he will not draw water directly from the Mullai Periyar River. Since the petitioner has purchased the land with electricity service connection vide sale deed, dated 12.12.1997 and there is no proceeding issued mentioning that the petitioner has drawn water directly from the Mullai Periyar River illegally by using the said electricity service connection, the undertaking given by the petitioner is accepted, as the said disconnection had occurred without any notice.

6.This Court accepting the undertaking given by the petitioner, dated 13.09.2017, directs the respondents to restore the electricity service connection of the petitioner immediately. If the respondents again find that the petitioner breaches the undertaking given by him, it is open to them to take appropriate action against the petitioner.

With the above observation, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar()

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent Engineer,
Maintenance & Operation,
Tamil Nadu Generation and Distribution Corporation Limited,
Theni.
2. The Executive Engineer,
Maintenance & Operation,
Tamil Nadu Generation and Distribution Corporation Limited,
Chinnamanur.
3. The Assistant Executive Engineer,
Maintenance & Operation,
Tamil Nadu Generation and Distribution Corporation Limited,
Chinnamanur.



4. The Assistant Engineer,
Maintenance & Operation,
Tamil Nadu Generation and Distribution Corporation Limited,
Koodalur.

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+1cc to M/S. S.KADARKARAI, Advocate, SR.No.78461.

+1cc to M/S. S.M.S.JOHNNY BASHA, Advocate, SR.No.78685.

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13.09.2017

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