



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) .No.19763 of 2017

S.Saravanan

... Petitioner

Vs.

1. The District Collector,
Sivagangai District.
2. The Block Development Officer,
Manamadurai Town & Taluk,
Sivagangai District.
3. The Tahsildar,
Manamadurai Taluk Office,
Manamadurai,
Sivagangai District.
4. The Assistant Engineer, (TNEB),
Rural/Distribution,
Manamadurai Town & Taluk,
Sivagangai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India prayed to issue Writ of Mandamus to quash the show cause notice dated 20.10.2017 issued by 4th respondent to the petitioner and directing the 4th respondent as not to disconnect the petitioner's electrical service connection in SC No.427006937 given to the petitioner's Milk Booth Shop, which is situated in SR.No.285/1 in Seigalathur Village Panchayat Board area.

For Petitioner : Mr.V.Lakshmanan

For R1 to R3 : Mr.S.Alagudevan,
Special Government Pleader.

For R4 : M/s.Srimathi for
Mr.S.M.S.Johny Basha

**ORDER***********

The writ petitioner is a physically challenged person. Both his legs are incapable of movement. He, therefore, requested the Seigalathur Panchayat Board to permit him to instal Avin milk booth stall within the Panchayat Board limit. The resolution dated 11.5.2015 was passed and permission was granted. The writ petitioner is eking out his livelihood by running his business in the said Avin milk booth. He has also obtained electricity service connection for the said milk booth.

2.The writ petitioner has remitted a sum of Rs.55,000/- as security deposit and he has no arrears. But it appears that the third respondent has sent a communication to the fourth respondent claiming that the land on which the milk booth has been installed is a water body. Based on the said communication, the fourth respondent has issued the impugned show cause notice dated 20.10.2017, proposing to disconnect the electricity service connection in SC No.427006937. The said show cause notice is under challenge in this Writ Petition.

3.I am of the view that the issuance of show cause notice is bad in law when the writ petitioner has not committed any violation of the electricity laws and he is not a defaulter.

4.The fourth respondent is therefore not justified in issuing the impugned show cause notice at the instance of the third respondent.

5.The learned counsel appearing for the writ petitioner would submit that the land in question does not belong to the Revenue Department.

6.This Court is, therefore, of the view that so long as the Writ Petitioner is adhering to the terms and conditions of the supply of electricity, the fourth respondent need not threaten to disconnect the electricity. The fourth respondent has to bear in mind that the writ petitioner is a physically challenged person and therefore, I have no hesitation to quash the show cause notice dated 20.10.2017.

7.Accordingly, the Writ petition stands allowed. No costs.

Sd/-

Assistant Registrar (AD-II)

/True Copy/

Sub Assistant Registrar



To

1. The District Collector,
Sivagangai District.
2. The Block Development Officer,
Manamadurai Town & Taluk,
Sivagangai District.
3. The Tahsildar,
Manamadurai Taluk Office,
Manamadurai,
Sivagangai District.
4. The Assistant Engineer, (TNEB),
Rural/Distribution,
Manamadurai Town & Taluk,
Sivagangai District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 84118
+ 1 CC TO Mr.V.LAKSHMANAN, ADVOCATE IN SR No. 84102

KMI/DSS

TE/SKN-RSK/SAR-I : 13/11/2017 : 3P/7C

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