

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :03.12.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.6025 of 2018
and
W.M.P.No.7412 of 2018

Mrs.G.Selvi

..Petitioner

vs

- 1.The Executive Engineer (Operation & Maintenance),
Tamil Nadu Electricity Board Sub Station Complex,
Chidambaram - 608001.
- 2.The Assistant Executive Engineer (Operation & Maintenance),
Tamil Nadu Electricity Board Sub Station Complex,
Anandheeswaran Kovil Street,
Chidambaram - 608001.
- 3.The Junior Engineer (Operation & Maintenance),
Tamil Nadu Electricity Board Sub Station Complex,
Anandheeswaran Kovil Street,
Chidambaram - 608001.
- 4.Meshak Vimalanathan .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to restore the electricity connection No.02048014604 to the premises of the petitioner i.e. Door No.382 (Old) / 4/665-556/A, Gnana Adaikkala Puram, Pallipadai, Chidambaram Taluk-608001, Cuddalore District.

For Petitioner

: Ms.S.R.Sumathy

For Respondents

: Mr.M.Varun Kumar
Standing Counsel for R1 to R3

Mr.H.Kester for R4

O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondents to restore the electricity connection No.No.02048014604 to the premises of the petitioner i.e. Door No.382 (Old) / 4/665-556/A, Gnana Adaikkala Puram, Pallipadai, Chidambaram Taluk-608001, Cuddalore District.

2. The learned counsel for the writ petitioner states that the petitioner is owner of the premises wherein she seeks electricity service connection for domestic purposes. The electricity service connection was being enjoyed by the writ petitioner from November 2014 onwards. On 05.01.2017, the Junior Engineer (O & M), TNEB, Chidambaram, disconnected the power supply abruptly without assigning any reason. However, the petitioner came to understand that the electricity service connection was disconnected on account of a complaint submitted by the 4th respondent namely, Mr.Meshak Vimalanathan.

3. The contention of the learned counsel for the petitioner is that the 4th respondent forged certain documents and made a false complaint against the writ petitioner.

4. The learned counsel for the petitioner further states that the petitioner is the absolute owner of the premises and against the 4th respondent, a criminal case is also registered in Crime No.10 of 2017 before Chidambaram Police Station and the case is under investigation.

5. The learned counsel for the respondents opposed the contention by stating that the Electricity Board cannot go into the allegations regarding the forged document created by the 4th respondent. However, the writ petitioner had not submitted the requisite documents for the purpose of considering her case. Undoubtedly, the petitioner submitted an application, which was considered by the Assistant Executive Engineer, Chidambaram and an order was passed 21.02.2018, rejecting the application submitted by the writ petitioner for want of requisite documents. The said order of rejection has not been challenged by the writ petitioner even in the present writ petition. In the event of submitting all the requisite documents, the case of the writ petitioner would be considered in accordance with the Provisions of the Tamil Nadu Electricity Distribution Code and Supply Code.

6. In view of the submissions made by the learned counsel for the respondents, this Court is of an opinion that the petitioner has to submit an application along with all the

requisite documents, enabling the competent authorities to consider the case for restoration of electricity service connection. The service connection was disconnected on account of a complaint given by the 4th respondent. Thus, the petitioner has to submit all the relevant documents, so as to consider her case for restoration of electricity service connection. In the present case, the Electricity Board had already passed an order of rejection in proceedings dated 21.02.2018 and the same has not been challenged by the writ petitioner. The present writ petition is filed for a Mandamus to direct the respondents to restore the electricity service connection. However, the writ petitioner is at liberty to submit a fresh application along with all the requisite documents and in the event of filing such an application, the respondents 1 to 3 are directed to consider the same and pass order on merits and in accordance with law.

7. It is made clear that even in case of disputes in relation to the title or ownership, the occupant of the premises can be provided with a service connection by invoking the Clause 27(4) of the Tamil Nadu Electricity Distribution Code. Thus, the respondents 1 to 3 shall invoke the above Clause of the Distribution code for the purpose of providing electricity service connection to the writ petitioner as the power supply is an essential one for living.

8. Under these circumstances, the petitioner is directed to submit a fresh application within a period of two weeks from the date of receipt of a copy of this order along with all the requisite documents and on receipt of any such application from the writ petitioner, the respondents 1 to 3 are directed to consider the same and pass orders on merits and in accordance with law within a period of four weeks thereafter.

9. With this direction, the present writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

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Sub Assistant Registrar

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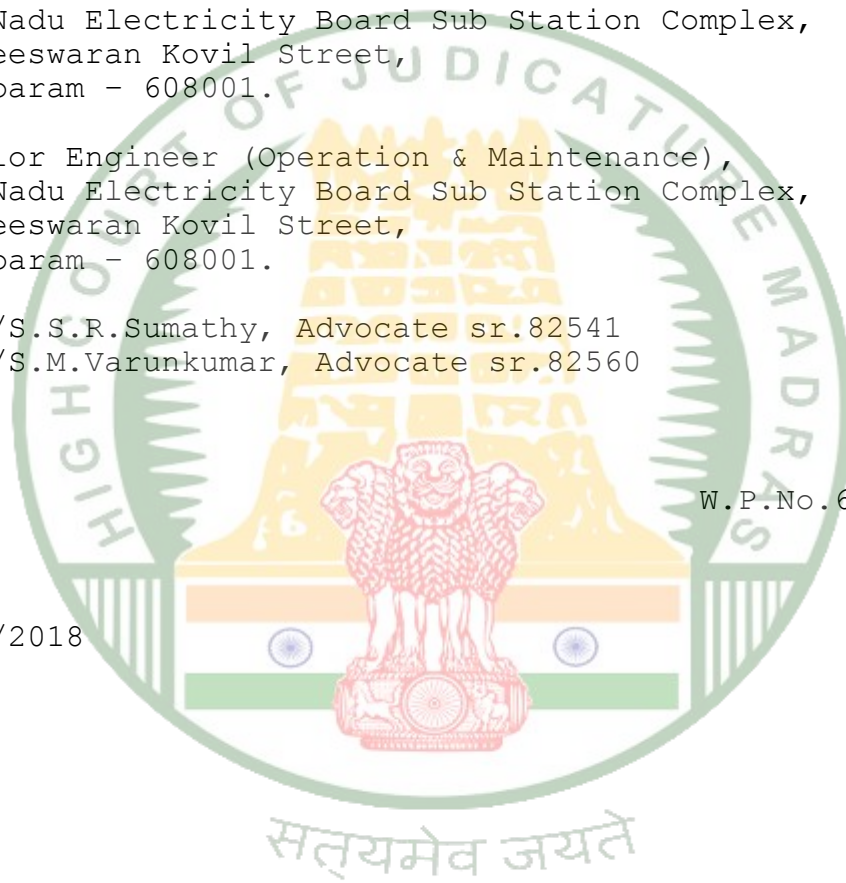
To

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Chidambaram - 608001.

+1cc to M/S.S.R.Sumathy, Advocate sr.82541
+1cc to M/S.M.Varunkumar, Advocate sr.82560

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