

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :21.12.2018

CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.2102 of 2018
and
W.M.P.Nos.2608 & 2609 of 2018

M.Muthaiyan

..Petitioner

vs

- 1.The Executive Engineer
Tamil Nadu Electricity Board(TANGEDCO)
Ariyalur.
- 2.The Assistant Executive Engineer
(Enforcement)
Tamil Nadu Electricity Board, (TANGEDCO)
Trichy.
- 3.The Assistant Executive Engineer,
(Operation & Maintenance)
Tamil Nadu Electricity Board(TANGEDCO)
Thirumanur - 621 715
Ariyalur District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the inspection report and working sheet dated 06.06.2011 issued by the 3rd Respondent and quash the same and directing the respondents to restore the electricity service connection No.89 in the name of the petitioner and service connection No.350/TF IV in the name of petitioner's father.

For Petitioner : M/s.R.Meenakshi

For Respondents : Mr.P.Gunaraj

O R D E R

The inspection report and working sheet dated 06.06.2011 issued by the 3rd respondent, directing the respondents to demanding the compensation amount of Rs.68,197/- is under challenge in the present writ petition.

2.The learned counsel appearing on behalf of the writ petitioner states that the petitioner is a retired Head Constable of Boarder Security Force(BSF). The father of the writ

petitioner, late R.Murugaiyan was provided with a free agricultural electricity service connection in S.C.No.350/TF IV on 07.03.2011 for agricultural purposes. The father of the writ petitioner constructed a hut in the agricultural land by using clay and handmade bricks. During the inspection, the 3rd respondent misconstrued the construction of a hut through handmade bricks and made a report that there is an unauthorized use of electricity service connection provided for agricultural purposes. In this regard, the 3rd respondent issued an order, demanding the compensation amount of Rs.68,197/- (Rupees Sixty Eight Thousand, One Hundred and Ninety Seven only). Challenging the said order, the present writ petition is filed.

3.The learned counsel appearing on behalf of the respondent opposed the contention by stating that once, the electricity service connection provided for agricultural purposes on free of cost, the same should not be utilized for any other purposes including domestic usage. During the inspection, it was found that the writ petitioner was utilizing the electricity for domestic purposes and therefore, the amount of compensation was directed to be paid by the competent authorities and therefore, there is no irregularity in respect of the demand notice. Though the father of the writ petitioner had utilized the free electricity service connection for domestic purposes, the son, who inherited the property is certainly liable to pay the same for the purpose of the continuance of the electricity on free of cost for agricultural purposes.

4.This Court is of an opinion that certain factual disputes raised by the petitioner in the present writ petition cannot be adjudicated under Article 226 of the Constitution of India. All such facts and circumstances are to be adjudicated by producing original documents and by adducing evidences before the competent Forum constituted under Clause 18 of the Tamil Nadu Electricity Distribution Code. The Consumer Grievances Redressal Forum is functioning to redress the grievances of the consumers in this regard and therefore, the petitioner is at liberty to approach the Forum by producing all relevant documents and adducing evidences, if necessary.

5.The learned counsel for the writ petitioner states that the children of the petitioner are studying in School and on account of the forthcoming examinations, they are unable to study since the respondents had disconnected the electricity services.

6.In view of the submissions made, the following orders are passed:

(1) The writ petitioner is directed to pay the demanded compensation charges of Rs.68,197/- (Rupees Sixty Eight Thousand, One Hundred and Ninety Seven only) and on payment of the said amount, the respondents are directed to restore the electricity

service connection in the premises of the writ petitioner as well as in his agricultural lands immediately.

(2) The writ petitioner is at liberty to approach the Consumer Grievances Redressal Forum under Clause 18 of the Tamil Nadu Electricity Distribution Code by filing an appropriate appeal for the effective adjudication of the disputes now raised in the present writ petition. In the event of filing any such appeal, the Forum may adjudicate the same by affording opportunity to all the parties concerned, take a decision and pass orders on merits and in accordance with law without causing any undue delay.

7. With these directions, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Executive Engineer
Tamil Nadu Electricity Board (TANGEDCO)
Ariyalur.
2. The Assistant Executive Engineer
(Enforcement)
Tamil Nadu Electricity Board, (TANGEDCO)
Trichy.
3. The Assistant Executive Engineer,
(Operation & Maintenance)
Tamil Nadu Electricity Board (TANGEDCO)
Thirumanur - 621 715
Ariyalur District.

+1cc to Mr. R. Meenakshi, Advocate, S.R.No. 89367
+1cc to Mr. P. Gunaraj, Advocate, S.R.No. 89771

W.P.No. 2102 of 2018

SSI (CO)

rrs 25/01/2019