

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:22.01.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.33308 of 2017

and W.M.P.No.36747 of 2017

P.Muthu

... Petitioner

vs.

- 1.The Chairman,
Chennai/ South Region TNEB
TANGEDCO,
5-A, Block, Electricity Avenue,
No.802, Anna Salai,
Chennai - 600 002.
2. The Chief Engineer Distribution,
Chennai/ South Region TNEB
TANGEDCO,
5-A, Block, Electricity Avenue,
No.802, Anna Salai,
Chennai - 600 002.
3. The Superintending Engineer,
Tamil Nadu Electricity Board,
South Region, TNEB,
TANGEDCO,
Chennai - 600 002.
4. The Executive Engineer,
O & M/ Avadi CEDC
No.229, N.M.Road,
Chennai - 600 054
5. The Assistant Engineer,
Tamil Nadu Electricity Board,
Pattabiram,
Chennai - 600 072.

..Respondents

Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the 5th respondent to restore electricity connection relating to consumer 09-050-122-1541 standing in the name of the petitioner in the petitioner's residence at No.140, S.F.No.520, 8th Street, Anna Nagar, Pattabiram, Chennai - 600 072 forthwith

For Petitioner : Mr.R.Seeniappan

For Respondents : Mr.P.R.Dilip Kumar
Standing Counsel

ORDER

Though this matter was adjourned on four occasions for filing counter by the respondents, till this day, no counter is filed. However, the learned standing counsel for the respondents seeks further time to file counter by contending that the possession of the petitioner over the subject matter property is in dispute.

2. The petitioner is aggrieved against the disconnection of power supply at the petitioner's residential premises bearing No.140 at S.No.520, 8th Street, Annanagar, Pattabiram, Chennai - 600 072. It is the further grievance of the petitioner that such disconnection was made without even affording an opportunity of hearing to the petitioner and issuing any notice to him as to what is the reason on which such disconnection is to be effected.

3. Learned standing counsel for the respondents submitted that even though the service connection was given to the petitioner premises, the same was disconnected as it is seen that the petitioner is in occupation of the poramboke land.

4. When it is admitted that the petitioner was enjoying the benefit of service connection for quite some time with Consumer No. 09-050-122-1541 at the disputed premises, any disconnection of the service connection shall be made only after issuing notice to the petitioner, if there is any valid reason to do so. In this case, nothing is placed before this Court to show that any such notice was issued to the petitioner before effecting the disconnection of electricity.

5. Considering the fact that service connection was given to the petitioner premises and the petitioner is without such facility from 19.07.2017 onwards, the respondents are bound to restore the electricity connection, however, without prejudice to their right to disconnect after issuing show cause notice to the petitioner. Accordingly, this writ petition is disposed of on the following terms.

(a) The 5th respondent shall restore the electricity service connection relating to the Consumer No. 09-050-122-1541 of the petitioner within seven days from the date of receipt of a copy of this order.

(b) Such restoration is without prejudice to the contentions of the respondents which they have to state by way of issuing notice to the petitioner within a period of two weeks from the date of such restoration.

(c) On receipt of such notice, it is open to the petitioner to give his explanation by producing supporting documents in support of his claim.

(d) Thereafter, the 5th respondent shall pass appropriate orders on merits and in accordance with law within a period of four weeks from the date of hearing the petitioner. No costs. Consequently, connected Miscellaneous Petition is closed.

-Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

To

1. The Chairman,
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3. The Superintending Engineer,
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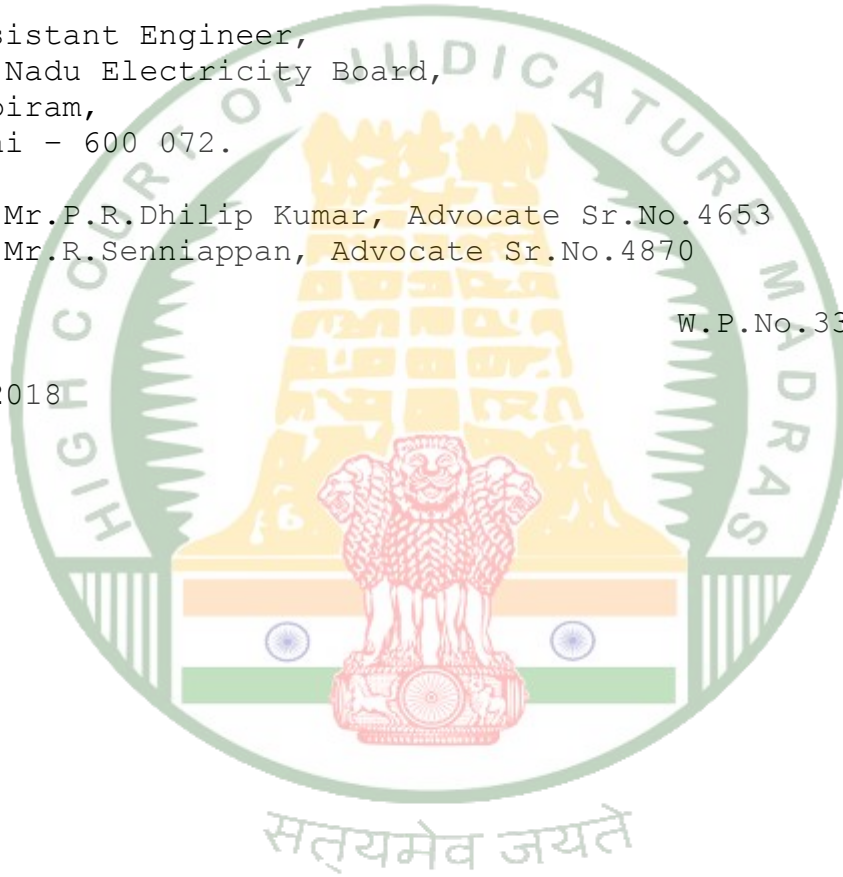
4. The Executive Engineer,
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Chennai - 600 054

5. The Assistant Engineer,
Tamil Nadu Electricity Board,
Pattabiram,
Chennai - 600 072.

- 1 cc to Mr.P.R.Dhilip Kumar, Advocate Sr.No.4653
- 1 cc to Mr.R.Senniappan, Advocate Sr.No.4870

W.P.No.33308 of 2017

CO(KK)
KP 05/02/2018



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