

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04-09-2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.17511 of 2013

And

M.P.No.1 of 2013

P.R.Karunakaran

.. Petitioner

Vs.

1.The Executive Engineer (Operation and Maintenance),
Tamil Nadu Electricity Board,
Tamil Nadu Electricity Generation and Distributing
Corporation,
Pulianthope,
Chennai-600 012.

2.The Assistant Accounts Officer,
Tamil Nadu Electricity Board,
Revenue Branch,
Pulianthope, (Otteri),
Chennai-600 012.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the
Constitution of India praying for the issuance of a Writ of
Mandamus, directing the respondents to grant service connection
to Door No.Old No.32, New No.33, Nacharammal Santhu,
Pulianthope, Chennai-600 012.

For Petitioner : Ms.A.Madhumathi

For Respondents : Mr.P.R.Dhilipkumar,

Standing Counsel for Electricity Board.

O R D E R

The relief sought for in this writ petition is for a
direction to direct the respondents to grant electricity service
connection to Door No.Old No.32, New No.33, Nacharammal Santhu,
Pulianthope, Chennai-600 012.

2. The learned counsel for the writ petitioner states that
the writ petitioner is the absolute owner of the property
situated at Door No.Old No.32, New No.33, Nacharammal Santhu,
Pulianthope, Chennai-600 012 and the writ petitioner purchased

the same from his elder brother's wife Smt.Nithya, Wife of Mr.R.Balasubramanian for a sale consideration of Rs.18 lakhs.

3. The writ petitioner claims that he purchased the property from the said Smt.Nithya and now the imposition of electricity charges are in connection with the electricity by the erstwhile tenant and the writ petitioner is no way connected with the usage of the electricity.

4. The learned Standing Counsel for the respondent-Electricity Board, opposed the said contentions of the learned counsel for the writ petitioner, by stating that the writ petitioner is liable for the payment of electricity charges even in respect of the arrears of electricity charges left out by the tenant. The purchase of the property by the writ petitioner is no way connected with the imposition of electricity charges. If the writ petitioner wants to continue the electricity service connection, then he is liable to pay all the arrears of electricity service charges as per the demand made by the Electricity Board.

5. This Court is of an opinion that at the time of purchase of the property, the writ petitioner ought to have verified the fact that the property tax, electricity charges, water tax, are cleared by the vendor or not. It is for the purchaser to verify all these things and purchase the property. After purchase of the property, if the charges are due to the Electricity Board, then the owner of the property alone is liable to pay the charges even as per the Electricity Code.

6. Thus, the writ petitioner cannot evade payment of electricity charges and if he wishes to continue the electricity service connection, then he is liable to pay the electricity charges, as per the calculations made by the respondent-Electricity Board in respect of theft of energy.

7. If at all, any factual dispute arises in this regard, it is for the writ petitioner to approach the Competent Forum, constituted by the Electricity Board, for adjudicating these factual aspects. However, this Court cannot adjudicate such complex facts and circumstances arisen on account of certain disputed facts. Thus, the writ petitioner is liable to pay the balance dues, as claimed by the respondent-Electricity Board.

8. The learned Standing Counsel for the respondent-Electricity Board, states that the total demanded amount is Rs.1,93,411/-, out of which, the writ petitioner had already paid Rs.75,000/-, at the time of admission of the present writ petition. Thus, the writ petitioner is liable to pay the balance amount of Rs.1,18,411/- plus BPSC charges, to the respondent-

Electricity Board, within a period of eight weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

Svn

To

1.The Executive Engineer (Operation and Maintenance),
Tamil Nadu Electricity Board,
Tamil Nadu Electricity Generation and Distributing
Corporation,
Pulianthope,
Chennai-600 012.

2.The Assistant Accounts Officer,
Tamil Nadu Electricity Board,
Revenue Branch,
Pulianthope, (Otteri),
Chennai-600 012.

+1cc to Mr.C.P.Palanichamy, Advocate, S.R.No. 60964

WP 17511 of 2013

MR (CO)
GN (25/09/2018)

सत्यमेव जयते
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