

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2018

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

Writ Petition No.29691 of 2017
and
W.M.P.Nos.32019 & 32020 of 2017

R.Radhakrishnan

... Petitioner

vs.

1. The Tamil Nadu Electricity Board,
Rep. by its Chairman and
Managing Director,
Anna Salai,
Chennai - 600 002.
2. The Tamil Nadu,
Generation and Distribution Corporation Ltd.,
Rep. by its Chairman and Managing Director,
10th Floor, NPKRR Maligai,
144, Anna Salai,
Chennai - 600 002.
3. The Executive Engineer
(Operation and Maintenance)
TANGEDCO,
Mylamparai,
Sankarapuram Taluk,
Villupuram District.
4. The Assistant Executive Engineer (East)
TANGEDCO,
Kaduvannur Electricity Circle,
Mylamparai,
Sankarapuram Taluk,
Villupuram District.
5. The Junior Engineer
(Operation and Management)
Kaduvannur Village,
Sankarapuram Taluk,
Villupuram District - 605 801.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the proceedings of fifth respondent issued in க. எண்/ மைபொ/பை/கடுவ/வஉ/கோ-சு. 009 - அளண் 155 நாள் 26.08.2017 யனே கடித எண்:இ.மி.பொ. / இ டி ப/ கடுவனூர் / வ ஆ / கோப்ப, னுடிஉ / அ.எண் 191 / 17-18 dated 07.10.2017 and quash the same and consequently direct the fourth and fifth respondents to provide Electricity Service connection on the basis of Petitioner's Online Application No.200025410817290 dated 19.08.2017 within the time to be stipulated by this Court.

For Petitioner : Mr.R.Bharath Kumar

For Respondents : Mr.M.Varun Kumar,
Standing Counsel for RR 1 to 5.

O R D E R

The petitioner is aggrieved against the proceedings of the fifth respondent dated 07.10.2017, wherein and whereby, his request for providing electricity service connection to his newly constructed house was rejected on the ground that the petitioner failed to pay a sum of Rs.67,800/-, being the compensatory amount payable towards the theft of energy.

2. Heard Mr.R.Bharath Kumar, learned counsel appearing for the petitioner and Mr.M.Varun Kumar, learned Standing Counsel appearing for the respondents.

3. It is seen that the petitioner has made a construction of a farm house at Survey No.2/1B, 2/2A of Kaduvanur Village, Sankarapuram Taluk, Villupuram District and submitted an application for obtaining electricity connection before the fifth respondent on 19.08.2017. The said request was rejected on the reason that the petitioner failed to pay a sum of Rs.67,800/- towards illegal drawal of electricity for the purpose of constructing the said farm house from another service connection, which is a free agricultural service connection.

4. It is seen that originally, the respondents proceeded to claim that the petitioner had drawn power supply illegally from the service connection No.304 standing in the name of one M.Parimala and by passing a proceedings assessing a sum of Rs.67,800/- as a loss caused by the said illegal drawal of power supply. However, now it is stated before this Court that such illegal drawal of power supply was not from Service Connection No.304, but on the other hand, it was from service connection No.509 standing in the name of one Venkatarayal, stated to be the brother of the petitioner. Admittedly, no

notice or proceedings are issued to the said Venkatarayal and on the other hand, the earlier proceedings were initiated only against the said Parimala, that too, in respect of service connection No.304. Therefore, it is for the respondent to initiate appropriate proceedings against the person, in whose name service connection No.509 stands. But, at the same time, as it is alleged by the respondent that the petitioner has illegally drawn the power from the service connection No.509 for the purpose of constructing his house, this Court is of the view that the interest of the parties would be met by passing the following order in this writ petition.

5. Accordingly, this Writ Petition is disposed of under the following terms and conditions:

(a) The petitioner shall pay Rs.33,100/- being 50% of the demand before the fifth respondent, within a period of two weeks from the date of receipt of a copy of this order, without prejudice to his contention to be raised, when a fresh notice is received from the respondents in respect of the alleged theft of energy from Survey No.509.

(b) On receipt of such amount, the respondents shall effect service connection to the petitioner's newly constructed premises, within a period of four weeks.

(c) It is open to the respondents to initiate fresh proceedings against the licensee of service connection No.509 and also against the petitioner for the alleged illegal drawal of power supply from service connection No.509.

It is made clear that this order is passed without prejudice to the contentions of the either parties to proceed further in respect of service connection No.509 as stated supra. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

gsi/vsi

To

1. The Tamil Nadu Electricity Board,
Rep. by its Chairman and
Managing Director,
Anna Salai,
Chennai - 600 002.

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Villupuram District - 605 801.

+1cc to Mr.R.Bharathkumar, Advocate, S.R.No.87056

+1cc to Mr.M.Varunkumar, Advocate, S.R.No.87253

W.P.No.29691 of 2017

GSP (26/12/2018)

सत्यमेव जयते

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