

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :23.11.2018
CORAM
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P. No.29594 of 2018
and
W.M.P.No.34564 of 2018

S.Rajamani

... Petitioner

Vs

1.Assistant Engineer,
Tamil Nadu Electricity Generation and
Distribution Limited,
Vellalapatti,
Salem - 636 012.

2.The Superintending Engineer,
Tamil Nadu Electricity Generation and
Distribution Limited,
No.948, EVN Road,
Erode - 638 009.

3.Thasildar,
Taluk Office,
Omalur, Salem - 636 455.

4.The District Collector,
Salem District,
Salem - 636 001.

.... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Certiorarified mandamus calling for the records of the letter dated 10.08.2018 issued by the First Respondent passed in Letter No.AE/M&M/VL.PT/D.COMPLAINT/No.024-1/18-19 dated 10.08.2018 and direct the first respondent to provide electricity supply to the premises of the petitioner based on the application dated 08.10.2013 bearing application No.4591113936 along with compensation for the inordinate delay caused in providing the Electricity connection in accordance with the provisions of the Tamil Nadu Electricity Supply code.

For Petitioner : Mr.N.Murali

For Respondents : Mr.S.K.Raameshwar (for RR1 & 2)
Standing Counsel

Mr.Akil Akbar Ali (for RR3 & 4)
Government Advocate

ORDER

The order of rejection dated 10.08.2018 for providing electricity service connection to the premises of the writ petitioner is under challenge in this writ petition.

2. The present writ petition has been filed on the ground that the petitioner had submitted an application on 08.10.2013 bearing application No.4591113936 for providing electricity service connection to the premises, wherein the petitioner resides. However, an application submitted on 08.10.2013 was rejected by the respondents only on 10.08.2018 on the ground that the Electricity Board was willing to provide service connection by obtaining an indemnity bond as per Clause 27(4) of the Electricity Distribution Code. However, the local people gathered together and prevented the Electricity Board authorities from providing connection to the premises belongs to the writ petitioner. In view of the large scale agitation by the local people, the Electricity Board was unable to provide service connection to the petitioner's premises.

3. The learned counsel appearing on behalf of the writ petitioner states that the incident took place during the year 2014 and once again in the year 2018, the petitioner had submitted a letter to the respondents to provide electricity service connection, the said application has also not been considered. Thus, the petitioner is constrained to move the present writ petition, challenging the order of the rejection.

4. The learned counsel appearing on behalf of the respondents opposed the contentions of the writ petitioner by stating that civil disputes are pending between the trust and tenants and on account of the dispute, the people of that locality are not allowing the Electricity Board employees to provide the electricity service connection to the premises belongs to the writ petitioner. The service connection can be provided even during the existence of the civil disputes between the parties under clause 27(4) of the Tamil Nadu Electricity Distribution Code. Thus there is no impediment for providing service connection to the writ petitioner by obtaining an indemnity bond and a letter of undertaking. However, the learned counsel for the respondents now brought to the notice of this Court that the application was originally submitted by the writ petitioner on 08.10.2013 and that was rejected and in the changed circumstances, the petitioner has to submit a revised application along with all requisite documents, enabling the authorities to consider his case with reference to the Electricity Act and the Supply Code.

5. In this regard, the writ petitioner is at liberty to submit a fresh application along with all other requisite

documents to the first respondent within a period of two weeks from the date of receipt of copy of this order. In the event of submitting any such application, the first respondent is directed to consider the same and pass orders on merits in accordance with law and by following the procedures as contemplated under the Act and the Electricity Distribution Code within a period of four weeks from the date of receipt of the application from the writ petitioner.

6. With this direction, the writ petition stands disposed of. However, there is no order as to costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

kak/mtl

To

1.Assistant Engineer,
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4.The District Collector,
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Salem - 636 001.

+1cc to Mr.N.Murali, Advocate, S.R.No.79968

W.P. No.29594 of 2018

VD(CO)

rrs 13/12/2018