



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.06.2018

CORAM:

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU
AND
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

W.A[MD].Nos.189 and 768 of 2018
against
W.P(MD).Nos.18625 of 2014 & 8432 of 2014

W.A.(MD).No.189 of 2018

K.Vigneswari : Appellant/Petitioner in both appeals

Vs.

1. The Assistant Electrical Engineer,
Operation & Maintenance,
Tamil Nadu Generation and Distribution
Corporation (TANGEDCO),
Kaedhaiyarumbu,
Ottanchatram Taluk,
Dindigul District.
2. The Accounts Officer,
Ottanchatram Distribution Circle,
Tamilnadu Generation and Distribution
Corporation (TANGEDCO),
Munoor/Kaedhaiyarumbu Section,
Dindigul District. : Respondents/Respondents in both appeals

PRAYER in W.A.(MD).No.189 of 2018: Appeal is filed under Clause 15 of Letters Patent Act, against the order of this Court dated 16.02.2015 passed in W.P.(MD).No.18625 of 2014.

Prayer in WP(MD). 18625/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus direct the respondents to restore the service connection in S.C.No.264 008 100 by transfer the name of the service connection in favour of the petitioner s name within the period stipulated by this Honble Court .

PRAYER in W.A.(MD).No.768 of 2018: Appeal is filed under Clause 15 of Letters Patent Act, against the order of this Court dated



25.08.2014 passed in W.P.(MD).No.8432 of 2014.

Prayer in WP(MD). 8432/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus or order or direction in the nature of writ, to call for the records from the 1st respondent in this proceedings in Ka.N.U.PO/EPE/K.THAI/V.Aa/KATTU/A.No.135/14/ dt.28.4.2014 and quash the same and consequently restore the service connection in SC.No.264 008 100 by transfer the name of the service connection in favour of the petitioner s name and pass such further or other orders as this Hon'ble Court.

For Appellant in both
appeals

: Mr.Saravanakumar

For Respondents
in both
appeals

: Mrs.M.Rajeswari for
Mr.S.M.S.Johnny Basha
Standing Counsel for TNEB

JUDGEMENT

[Judgement of the Court was delivered
by **K.RAVICHANDRABAABU, J**]

Writ Appeal in W.A.(MD).No.189 of 2018, is filed challenging the order of the learned Single Judge in closing the writ petition filed for Mandamus directing the respondents to restore the service connection in S.C.No.264 008 100.

2.Writ Appeal in W.A.(MD).No.768 of 2018, is filed challenging the order made in W.P.(MD).No.8432 of 2014 dated 25.08.2014 wherein and whereby the writ petitioner was directed to file a fresh application for service connection and remit the arrears payable in respect of the subject matter of premises, which according to the respondents is less than Rs.1,000/-, with a further direction to the respondent Board to consider the said application and effect fresh service connection to the writ petitioner on priority basis.

3.Heard Mr.Saravanan, learned counsel appearing for the appellant and Mrs.M.Rajeswari for Mr.S.M.S.Johnny Bash, learned Standing Counsel for TNEB appearing for the respondents.

4.The appellant in both the writ appeals is one and the same, who is the writ petitioner before the writ Court in both the writ petitions. This subject matter of property in which service connection is sought for stood in the name of one Palaniswamy. It is submitted that the said person did not pay the arrears of electricity charges to the respondents and consequently service

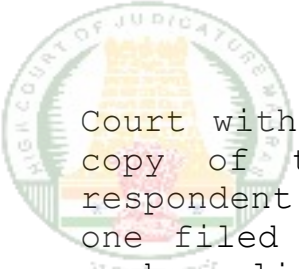


connection was disconnected as early as in the year 2003. The petitioner appears to have purchased the said property from the said Palanisamy, who also happened to be the father-in-law of the writ petitioner, in the year 2012 and applied for restoration of service connection. However, the said request was rejected by contending that there are arrears of electricity charges payable in respect of the subject matter of service connection. Challenging the said proceedings, the writ petitioner filed the first writ petition in W.P.(MD).No.8432 of 2014. The said writ petition was disposed of on 25.08.2014 with a direction to the writ petitioner to file a fresh application for service connection and remit the arrears, which according to the respondents would come to less than Rs.1,000/- only. The Writ Court also directed the Board to consider the said application for fresh service connection on priority basis. Thereafter, the petitioner approached the respondents and sought for restoration of the service connection. As the said request was not considered, the petitioner once again filed the subsequent writ petition in W.P.(MD).No.18625 of 2014, which came to be disposed of, on 16.02.2015 by specifically observing that the petitioner has made a representation without paying the arrears, as per the order passed by this Court in the earlier writ petition. The learned Single Judge has also recorded the submission made by the learned Standing Counsel for the Department that if the payment of arrears is made as per the earlier order, the application of the petitioner will be considered and fresh service connection would be effected on priority basis. Challenging the said orders, the appellant has preferred the respective writ appeals as stated supra.

5. Upon hearing the learned counsel appearing for the appellant and the learned counsel appearing for the Electricity Board, we find no grounds to interfere with both the orders passed by the writ Court for the following reasons:

(a) First of all, it is seen that the service connection, which originally stood in the name of one Palanisamy, appears to be not a free service connection, since the Department itself claimed that there are arrears of electricity charges. Therefore, if the petitioner wants to free electricity service connection, her application is to be treated as a fresh application and therefore, the Writ Court has rightly directed the petitioner to pay such arrears, which is less than Rs.1,000/- as admitted by the Department and make an application for fresh service connection. Instead of doing so, the petitioner has chosen to file these writ appeals by wasting the time of four years without making said application before the Department.

(b) Therefore, we find that the contentions of the appellant in both the writ appeals do not have any merits. Accordingly, both the writ appeals are dismissed, however, by granting liberty to the petitioner to make a fresh application as directed by the Writ



Court within a period of two weeks from the date of receipt of a copy of this order. If any such application is filed, the respondent Department will consider the said application as the one filed in the month of September 2014 and give seniority for such application accordingly.

(c) The above said application shall be filed by the petitioner only after paying the arrears as stated in the order passed by the writ Court. No costs.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1. The Assistant Electrical Engineer,
Operation & Maintenance,
Tamil Nadu Generation and Distribution
Corporation (TANGEDCO),
Kaedhaiyarumbu,
Ottanchatram Taluk,
Dindigul District.

2. The Accounts Officer,
Ottanchatram Distribution Circle,
Tamilnadu Generation and Distribution
Corporation (TANGEDCO),
Munoor/Kaedhaiyarumbu Section,
Dindigul District.

- 1 cc TO Mr.K.K.Samy , Advocate in SR No. 68130
- + 1 cc TO Mrs.S.Srimathy , Advocate in SR No. 68066

Ns

AE/SV MMS/SAR1/28.06.2018/4P/5C

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13.06.2018