



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.05.2018

CORAM:

THE HONOURABLE MR.JUSTICE **M.V.MURALIDARAN**

W.P (MD) No.11772 of 2018

and

W.M.P (MD) Nos.10679 to 10681 of 2018

R.Savithiri

: Petitioner

Vs.

1. The Superintending Engineer,
TANGEDCO, Dindigul District.

2. The Assistant Engineer,
TANGEDCO, Vedasanthur,
Dindigul District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to impugned order of the second respondent in his proceedings Kattu/ A.No.26/2018, dated 03.03.2018, quash the same and illegal consequently direct the respondents to restore the electricity connection to petitioner's house situated at S.No.4/117A of Ayyanar Nagar, Nagampatti Panchayath, Vedasanthur Taluk, Dindigul District bearing Service Connection No.274-001-1196.

For Petitioner : Mr.M.Dinesh

For Respondents : Ms.Rajeswari
for Mr.S.M.S.Johnny Basha

O R D E R

Ms.Rajeswari, learned counsel, takes notice on behalf of Mr.S.M.S.Johnny Basha, learned standing counsel for the respondents.

2.By consent, the writ petition itself is taken up for final hearing.

3.The petitioner has come up with the present writ petition for a writ of certiorarified mandamus, praying to quash the impugned order of the second respondent, vide his proceedings, in Kattu/A.No.26/2018, dated 03.03.2018, and also direct the respondents to restore the electricity connection bearing Service



Connection No.274-001-1196 to the petitioner's house situated at S.No.4/117A of Ayyanar Nagar, Nagampatti Panchayath, Vedasanthur Taluk, Dindigul District.

4.The learned counsel appearing for the petitioner would submit that the petitioner has obtained electricity service connection for her house and she has paid all the charges and all of a sudden, the second respondent issued the impugned proceedings, dated 03.03.2018 and disconnected the said electricity service connection on the ground that without prior permission, she used the said connection for getting ground water from bore-well and also sold the same. He would further submit that the second respondent passed the impugned order on the basis of the communication given by the Assistant Surveyor, but the same has not been served to the petitioner and therefore, the impugned order is liable to be set aside.

5.The learned counsel appearing for the respondents would submit that after receiving the complaint from the Assistant Surveyor, the electricity service connection provided to the petitioner, has been disconnected.

6.The petitioner has been provided with the electricity service connection bearing Service Connection No.274-001-1196. In the impugned order, it is stated that on the basis of the complaint given by the Assistant Surveyor, the electricity service connection has been disconnected. But, before disconnecting the same, explanation has not been called for from the petitioner for the allegations levelled against her, in the complaint. Therefore, on the ground of violation of principles of natural justice, the impugned order is liable to be set aside.

7.In the result, this writ petition is allowed and the impugned order, dated 03.03.2018, passed by the second respondent is set aside and the respondents are directed to restore the electricity service connection bearing Service Connection No.274-001-1196 to the petitioner's house situated at S.No.4/117A of Ayyanar Nagar, Nagampatti Panchayath, Vedasanthur Taluk, Dindigul District. The respondents are also granted liberty to proceed against the petitioner in accordance with law and the said exercise shall be completed within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Vacation Officer

/True Copy/



To

1. The Superintending Engineer,
TANGEDCO, Dindigul District.

2. The Assistant Engineer,
TANGEDCO, Vedasanthur,
Dindigul District.

+ 1 cc TO Mr.M.Dinesh , Advocate in SR No. 66465

smn/cp

AE/SKN RSK/SAR3/06.06.2018/3P/4C

ORDER MADE IN
W.P(MD)No.11772 of 2018
and
W.M.P(MD)Nos.10679 to 10681 of 2018
31.05.2018