

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:23.01.2019

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.1061 of 2019
and
MP.Nos.1192 and 1195 of 2019

Stalin Kumar

... Petitioner

Versus

1.The Executive Engineer (O&M),
TANGEDCO,
Muthukapatti,
Senthamangalam Taluk - 637405.
Namakkal District.

2.The Assistant Engineer (O&M),
TANGEDCO,
Muthukapatti,
Senthamangalam Taluk - 637405.
Namakkal District.

... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned communication in Ka.No.UMi.Po/O&M/Mu.Ka.Patti/Ko.Vi./A.No.223/18-19 dated 26.12.2018 passed by the 2nd respondent quash the same and forbear the respondents from interfering with the service connection No.218-010-415 in Survey No.50/1F3, Kondamanaickenpatti Village belonging to the petitioner.

For Petitioner : Mr.I.Abar Md.Abdullah

For Respondents : Mr.S.K.Rameshwar
Standing Counsel.

O R D E R

The order dated 26.12.2018 issued by the Assistant Engineer / 2nd respondent stating that the Agricultural Service Connection provided in the name of the writ petitioner has not

been utilized for irrigation purposes. Thus, the connection will be disconnected within a period of 15 days. Challenging the said notice for effecting disconnection, the present writ petition has been filed.

2. The learned counsel for the writ petitioner states that the writ petitioner is performing agricultural activities in his property for a considerable length of time and the facts set out in the impugned notice are incorrect. To establish the said contention, the learned counsel for the writ petitioner referred page no.49 of the typed set of papers filed along with the writ petition showing that the coconut trees are grown in the property shown in the picture.

3. However, in the very same typed set of papers filed by the writ petitioner page no.54 is referred by the learned for the respondent showing that the property belongs to the writ petitioner was converted as housing plots and tar road also laid in the said laid out. In other words, a layout has already been formulated and there no agricultural activities are going on in the property belonging to the writ petitioner. Thus, the impugned notice is in accord with the terms and conditions for the continuance of the free Electricity Service Connection for agricultural purposes.

4. On account of the disputed facts raised by the parties to the lis on hand, this Court is of an opinion that, the exercise of identifying the fact cannot be undertaken by this Court in the present writ proceedings. All such facts and circumstances are to be adjudicated by the Competent Authorities by conducting a field inspection and by verifying the documents / records available. In view of the fact that, the facts are disputed by the respective parties, this Court is inclined to direct the 1st respondent/ The Executive Engineer (O&M), TANGEDCO, Muthukappatti, Senthamangalam Taluk, Namakkal District to conduct a field inspection personally with reference to the documents in relation to the property belongs to the writ petitioner and accordingly, take a decision and pass orders on merits and in accordance with law and by affording opportunity to the writ petitioner and all the parties concerned.

5. The writ petitioner is also directed to submit the documents relating to the property and other details by way of a written statement enabling the 1st respondent to conduct field inspection and take a decision. The 1st respondent is directed to complete the said exercise within a period of 4 weeks from the date of receipt of a copy of this order. Till such an exercise is concluded by the 1st respondent, the electricity service Connection shall not be disconnected. It is made clear that the 1st respondent shall decide the usage of free Electricity Service

Connection in the property with reference to the terms, conditions and regulations of the TANGEDCO and accordingly pass orders.

6. Accordingly, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

Pkn/kmm

To

1.The Executive Engineer (O&M),
TANGEDCO,
Muthukapatti,
Senthamangalam Taluk - 637405.
Namakkal District.

2.The Assistant Engineer (O&M),
TANGEDCO,
Muthukapatti,
Senthamangalam Taluk - 637405.
Namakkal District.

+1cc to Mr.S.K.Raameshuwar, Advocate Sr.5463

सत्यमेव जयते

W.P.No.1061 of 2019

ev[co]
srg 21/02/2019

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