

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.23014 of 2004
W.P.No.24191 of 2008 &
W.P.No.9672 of 2011

J.Fathima
W/o.S.Jailani

....Petitioner in WP.23014/04

K.S.Jailannane

....Petitioner in WP.24191/08

J.Fathima
W/o.K.S.Jailaane

....Petitioner in WP.9672/11

Vs.

1.The Superintending Engineer
Cuddalore Electricity Distribution Circle
Tamil Nadu Electricity Board
Cuddalore

2.The Executive Engineer (O & M)
Tamil Nadu Electricity Board
Chidambaram

3.The Assistant Executive Engineer
B.Muthur Sub-Station
Tamil Nadu Electricity Board
B.Muthur, Chidambaram Taluk

4.Assistant Accounts Officer
Revenue Unit
Tamil Nadu Electricity Board
Chidambaram

5.The Assistant Engineer (O & M)
Tamil Nadu Electricity Board
Parangipettai
Chidambaram Taluk

... Respondents in WP.23014/04

1.The Superintending Engineer
Cuddalore Electricity Distribution Circle
Tamil Nadu Electricity Board
Cuddalore

2.The Executive Engineer (O & M)
Tamil Nadu Electricity Board
Cuddalore

3.The Assistant Executive Engineer
B.Muthur Sub-Station
Tamil Nadu Electricity Board
B.Muthur, Chidambaram Tk

4.Assistant Accounts Officer
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Tamil Nadu Electricity Board
Chidambaram

4.The Assistant Engineer (O & M)
Tamil Nadu Electricity Board
Parangipettai
Chidambaram Taluk

5.The Asst. Engineer (O & M)
Tamilnadu Electricity Board
Kollidam, Chidambaram Taluk ... Respondents in WP.24191/08

1.The Superintending Engineer
Cuddalore Electricity Distribution Circle
Tamil Nadu Electricity Board
Capper Quarry
Cuddalore, Cuddalore District

2.Junior Engineer (O & M)
Cuddalore Electricity Distribution Circle
Tamil Nadu Electricity Board
B.Mutlur, Chidambaram Taluk
Cuddalore District ... Respondents in WP.9672/11

Prayer in W.P.No.23014 of 2004: The writ petition has been filed under Article 226 of the Constitution of India, to issue a writ of Declaration, declaring that the clubbing of amounts due for S.C.No311, with the claim for S.C.No.310, is arbitrary, ultra-vires, illegal and void.

Prayer in W.P.No.24191 of 2008: The writ petition has been filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records and quash the proceedings of the 6th respondent in proceedings No.U.Mi.Po/E.Pa/ Kollidam/Ko.Thani/A.No.154/2008 dated 29.08.08 and consequently forbear the respondents from disconnecting S.C.No.209, Mahenirapalli Distribution Circle, Kollidam.

Prayer in W.P.No.9672 of 2011: The writ petition has been filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents to give reconnection for S.C.No.310, Theerthampalayam belonging to the petitioner and consequently pay petitioner damages in a sum to be fixed by this Court, with interest and cost.

For Petitioner in All W.Ps : Mr,R.Gururaj
For Respondents in All W.Ps : Mr.M.Varun Kumar

COMMON ORDER

The petitioners in these writ petitions are the husband and wife. Since the issues involved in these writ petitions are interlinked, by the consent of both the parties, these writ petitions have been taken up together for final disposal.

2.The learned counsel for the petitioner would submit that the petitioners herein are the husband and wife. They are doing the prawn culture business and have obtained three electricity service connections to the said business. S.C.No.311 stands in the name of the husband and S.C.No.310 stands in the name of the wife. There was some dues pending as far as S.C.No.311 is concerned, which stands in the name of the husband, against which he has preferred an appeal before the 2nd respondent. However, the Electricity Board for non payment of due in Service Connection in S.C.No.311 have clubbed the service connection in S.C.No.310 which stands in the name of the wife and disconnected the service provided to S.C.No.310. Aggrieved by the said decision, the wife has filed a petition in W.P.No.23014 of 2004. In W.P.No.24191 of 2008, the husband has sought for the relief from the respondents from disconnecting another service connection in S.C.No.209, Mahendrapalli Distribution Circle, Kollidam, which was disconnected for non payment of the consumption charges. The wife has also filed another writ petition in W.P.No.9672 of 2011, for direction, directing the respondents to give reconnection to the service in S.C.No.310 belonging to the wife.

2.The learned counsel for the petitioner would further submit that though the due was in the year 2004, for Rs.3,40,000/- and there are some amount due for payment of consumption charges in S.C.No.310, the learned counsel on instructions would submit that without prejudice, the petitioners are ready to deposit a sum of Rs.5,00,000/- towards minimum charges and other charges due to the respondent Board for restoration of all the three service connections in S.C.No.310, 311 and 209 and accordingly prays for appropriate relief.

3.The learned counsel appearing for the respondent Board would fairly concede to the request of the petitioners and prays for appropriate orders.

4.In view of the limited request made by the learned counsel for the petitioners, the petitioners are hereby directed to deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) in favour of the respondent Board for restoration of all the three service connections in S.C.Nos.209, 310 and 311 within a period of three weeks. Thereafter, the respondent Board is hereby directed to restore all the three service connections in S.C.Nos.209, 310 and 311 after collecting necessary charges for reconnection in accordance with law within a period of two weeks.

5.With the above terms, these writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petition if any is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

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Tamil Nadu Electricity Board
Cuddalore

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Cuddalore, Cuddalore District

10.Junior Engineer (O & M)
Cuddalore Electricity Distribution Circle
Tamil Nadu Electricity Board
B.Mutlur, Chidambaram Taluk
Cuddalore District

+3cc to Mr.M.Varunkumar, Advocate, S.R.No. 57567, 57569, 57568

W.P.No.23014 of 2004

W.P.No.24191 of 2008 &

W.P.No.9672 of 2011

VSN II(CO)
GN(22/08/2019)

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