

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.10.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.22824 of 2012 &
M.P. 1 of 2012

Durai Sambandham

.. Petitioner

-vs-

1. The Executive Engineer
Operation & Maintenance
Railway Road
Kancheepuram Electricity
Kancheepuram

2. Tamil Nadu Electricity Board
Operation & Maintenance
The Executive Engineer (C&M)
Arakkonam

.. Respondents

Petition under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the first respondent in connection with the order passed by him in his Proc.Ka.No.Se.Po/ E & Pa/Vada/Ka/Tho.Nu.U.1/Ko.Thani/A.No.283/11 dated 4.6.11 and quash the same and consequently direct the respondents to restore the electricity connection bearing No.112 to the petitioner's lands situated in Survey No.110/6 at Pitchivakkam Village, Kancheepuram District.

For Petitioner :: Ms.M.Srividhya

For Respondents :: Mr.M.Varunkumar
Standing Counsel

ORDER

Mr.Durai Sambandham, S/o Duraiswamy has come to this Court questioning the correctness of the impugned order dated 4.6.2011, in and by which the first respondent has refused the request of the petitioner for restoring the service connection bearing No.112, since the same was dismantled even in the year 1972, whereas the petitioner came into picture only in the year 2004, during which period the time for restoration also stood lapsed. However, the impugned order also informed the petitioner

that he can obtain new electricity service connection in his name by making a fresh application on payment of usual charges.

2. Learned counsel for the petitioner, assailing the impugned order, submitted that after the petitioner's deceased wife Lalitha Sambandam purchased the agricultural land in Survey Nos.62/1, 62/2, 63/1C, 110/6, 110/15, 127/7, 130/1, 131/3, 135/1, 385/3 and 63/6 situated at Pitchivakkam Village, Sriperumbudur Taluk measuring an extent of 1.33 acres by a registered sale deed dated 16.9.2004 bearing document No.2750 of 2004 on the file of the Joint Sub Registrar, Kancheepuram, only after purchase of the said land, the petitioner came to know that his wife's predecessors in title had certain arrears to the Electricity Board in respect of the service connection in S.C.No.112. However, he sent a demand draft drawn in favour of the Electricity Board for Rs.1250/- towards the arrears of electricity bill and the same was also acknowledged by the first respondent. Thereafter, a representation was made on 10.3.2011 for restoration of the electricity connection that was disconnected by the department due to the default committed by the erstwhile owner. But after acknowledging the payment made by the petitioner towards arrears of electricity bill, till date, the first respondent has not restored the service connection, as a result the petitioner is unable to carry on his agricultural activities in the land. In the meanwhile, the first respondent has also passed the impugned order asking the petitioner to apply only in the usual course. Therefore, the impugned order is liable to go, he pleaded.

3. A counter affidavit has been filed by the respondents. The learned standing counsel for the respondents, urging this Court to dismiss the writ petition, argued that the petitioner is not at all eligible to question the correctness of the impugned order, for the following reasons. Firstly, the petitioner's vendors committed default and in view of the default committed by them, the electricity service connection No.112 at Pitchivakkam Village was dismantled on 16.5.72. Thereafter, there was no response from the service holder's end. Only after 37 years, the respondent Board received a letter under the Right to Information Act on 16.11.2009 from one Mr.Durai Sambandham asking the particulars of disconnection to the service connection No.112, for which elaborate details have been given to the said applicant. Dissatisfied with the answers, he has preferred this writ petition. Secondly, when the petitioner's wife had purchased the land only on 16.9.2004 without knowing that the service connection No.112 enjoyed by the previous consumer was dismantled on 16.5.72, cannot come to this Court asking for restoration of the electricity service connection in the same service connection No.112.

4. This Court also fully agrees with the reasons cited by the respondents. When the land in question was purchased by a registered sale deed dated 16.9.2004, i.e., 32 years after the service connection No.112 was dismantled on 16.5.72, the petitioner cannot ask for its restoration citing a reason that the previous consumer only committed a default. If at all the petitioner is interested, he can only apply for a new electricity service connection as per the rules and he cannot ask for restoration of the old service connection that was dismantled in the year 1972. Therefore, this Court finds no merit in the writ petition. Accordingly, the writ petition stands dismissed. Consequently, M.P.No.1 of 2012 is also dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

1. The Executive Engineer
Operation & Maintenance
Railway Road
Kancheepuram Electricity
Kancheepuram
2. The Executive Engineer
Operation & Maintenance
Tamil Nadu Electricity Board
Arakkonam.

+1cc to Mr.S.Bharah Kumar, Advocate, S.R.No. 84637

+1cc to Mr.M.Varun Kumar, Advocate, S.R.No. 84277

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W.P.No.22824 of 2012

NMI (CO)
GN(01/11/2019)