

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.4379 of 2019

M.Baskaran

...Petitioner

-vs-

1.The Superintending Engineer,  
Tamil Nadu Electricity Board - Vengikkal,  
Tiruvannamalai.

2.The Executive Engineer,  
Operation and Maintenance,  
Tamil Nadu Electricity Board - Vengikkal,  
Tiruvannamalai.

3.The Assistant Executive Engineer,  
Operation and Maintenance,  
Tamil Nadu Electricity Board - Rajanthangal,  
Keelpannathoor Taluk,  
Tiruvannamalai District.

4.The Anti Power theft squad,  
Tamil Nadu Electricity Board,  
Villupuram.

5.The Assistant Executive Engineer,  
Enforcement Division,  
Tamil Nadu Electricity Board -  
Salem Main Road,  
Dharmapuri.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents herein to restore the electricity service connections in connection No.02-314-010-527 as well as in connection No.300.

For Petitioner : Mr.S.Mukunth for  
M/s.Sarvabhauman Associates

For Respondents : Mr.M.Varunkumar  
Standing counsel

## ORDER

The petitioner has come to this Court seeking a direction to the respondents herein to restore the electricity service connections in connection Nos.02-314-010-527 and 300.

2.Learned counsel appearing for the petitioner would submit that the petitioner, who is a Farmer, has been eking his livelihood by cultivating crops such as groundnut and sugarcane in his land and maintaining cattle for ploughing his agricultural land. As the water level in his well had gradually reduced, he was forced to dig a bore and obtained a paid service connection in his name bearing connection No.02-314-010-527 in order to cultivate the lands and feed the cattle. Due to failure of monsoon, most of the crops have failed, resulting in drought and therefore, the income of the petitioner has been heavily affected. While so, on 20.12.2018, the electricity service connection, obtained in the name of the petitioner had malfunctioned, making it difficult to irrigate his agricultural lands and the cattle were left with no water. As there was no enough water in his well, he could not use the free service connection No.300. Thus, he was forced to take water from the free service connection given by the Government to be used for the purpose of agriculture. While so, the fourth respondent, after inspecting his land, objected for taking water from service connection No.300 and disconnected his service connection No.02-314-010-527 by removing the fuse carrier.

3.According to the learned counsel appearing for the petitioner, the fourth respondent had proceeded to arbitrarily disconnect the free service connection No.300, which was standing in the name of his mother. Thereafter, the third respondent lodged a complaint against the petitioner on the file of the Vettavalam Police Station in Crime No.25 of 2019. Pursuant thereto, the petitioner filed CrI.O.P. No.1465 of 2019 on the file of this Court for obtaining Anticipatory Bail and the same was granted to the petitioner on 29.02.2019. Despite a representation dated 08.01.2019 given by the petitioner, the respondents have not taken steps to restore the service connection. Therefore, the petitioner has come to this Court seeking the above direction.

4.Reiterating the averments made in the counter affidavit filed by the respondents, learned Standing Counsel appearing for the respondents would submit that when the petitioner is a consumer, he is bound by the provisions of the Electricity Act 2003, the Tamil Nadu Electricity Distribution Code 2004 and the Tamil Nadu Electricity Supply Code 2004. When the petitioner was enjoying the free electricity agricultural service connection,

which stands in the name of his mother with service No.300, he has connected the motor attached to his paid service connection No.314-010-527. Thus, he has committed theft of electricity and therefore, action has been taken by initiating criminal proceedings. As it was found by the fifth respondent, while inspection, the petitioner was asked to pay compounding of offences, but he escaped from the place to safeguard himself and not willing to compound the offences. Moreover, the petitioner has not even responded to the Inspecting Officers and therefore, a police complaint has been lodged for compensation of electricity charges as per Section 135(1) of the Electricity Act 2003 on 21.12.2018 on the file of the Vettavalam Police Station. Since the petitioner is not willing for the compounding offences, no provisional assessment order was issued on him. Therefore, the prayer of the petitioner cannot be considered.

5.After hearing both sides, it could be seen that the Anti Power Theft Squad, Villupuram, the fourth respondent herein has lodged a complaint on the file of the Vettavalam Police Station on 21.12.2018 alleging that the petitioner has committed offence under Section 135(1) of the Electricity Act 2003. With regard to the compounding of offences, the respondents have not passed any order. Therefore, the fifth respondent is directed to conduct an enquiry within a period of two weeks from the date of receipt of a copy of this order, after giving notice to the petitioner, who is directed to co-operate with the enquiry. and the fifth respondent shall pass appropriate orders within a period of four weeks thereafter. Accordingly, the writ petition is dismissed. No costs.

Sd/-  
Assistant Registrar(V/O)

//True Copy//

Sub Assistant Registrar

To

1.The Superintending Engineer,  
Tamil Nadu Electricity Board - Vengikkal,  
Tiruvannamalai.

2.The Executive Engineer,  
Operation and Maintenance,  
Tamil Nadu Electricity Board - Vengikkal,  
Tiruvannamalai.

3.The Assistant Executive Engineer,  
Operation and Maintenance,  
Tamil Nadu Electricity Board - Rajanthagal,  
Keelpannathoor Taluk,  
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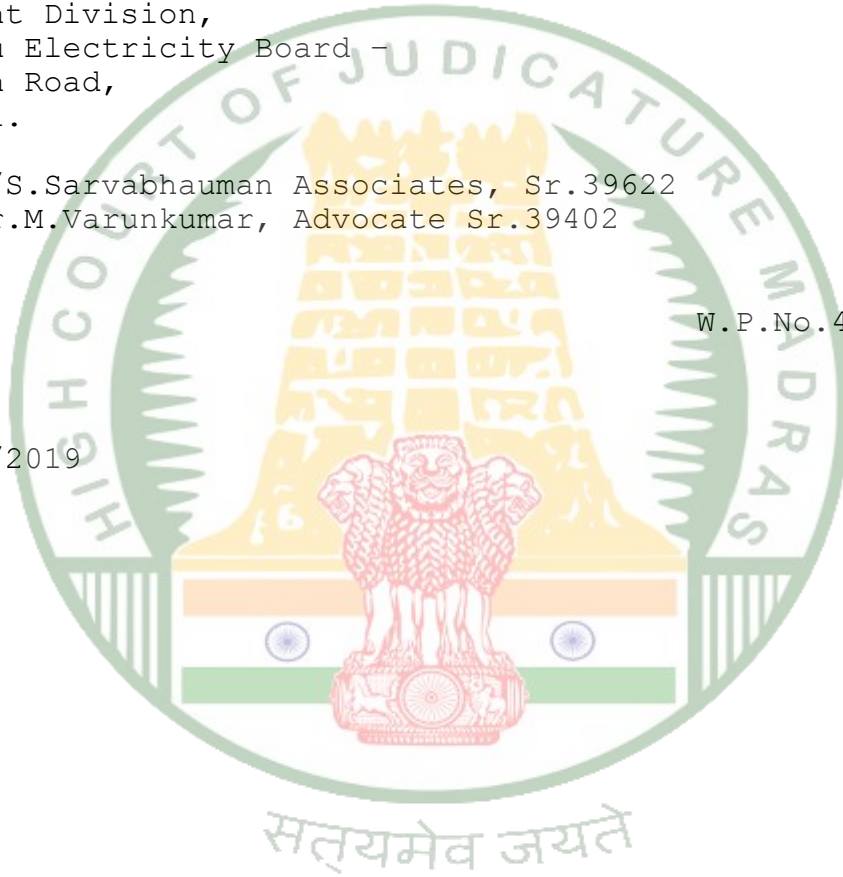
4.The Anti Power theft squad,  
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Enforcement Division,  
Tamil Nadu Electricity Board -  
Salem Main Road,  
Dharmapuri.

+lcc to M/S.Sarvabhauman Associates, Sr.39622  
+lcc to Mr.M.Varunkumar, Advocate Sr.39402

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srg 29/05/2019



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