

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :03.01.2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. No.23027 of 2018

Chinnaiah

...Petitioner

Vs

1. The Chairman,
Tamil Nadu Electricity Generation and
Distribution Corporation, Anna Salai,
Chennai - 600 002.
2. The Assistant Engineer (O&M)/East,
Tamil Nadu Electricity Generation and
Distribution Corporation, Ashok Nagar,
Chennai - 600 078.

...Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, directing the respondent to give electricity supply to the petitioner's house and to quash the letter sent by the respondent in letter No. ௨௮௮./அசோக் நகர் கிழக்கு/கூட்டு "நாடகோ.எண்"/196 dated 17.08.2018.

For Petitioner : Mr.T.K.S.Bharathy Anandraj

For Respondents : Mr.S.K.Raameshuwar

सत्यमेव जयते
O R D E R

The order dated 17.08.2018, rejecting the claim of the writ petitioner for providing a separate electricity service connection for domestic purposes is under challenge in the present writ petition.

2. The learned counsel for the writ petitioner states that the father of the writ petitioner was allotted a land by the Tamil Nadu Slum Clearance Board. The father of the writ petitioner has two wives, namely, Anthonyammal and Kullammal.

3. The grievance of the writ petitioner is that the partition between members of the family were effected and the

writ petitioner is in occupation of a separate portion in the row houses. The writ petitioner submitted an application before the respondents for providing a separate electricity service connection in the name of the writ petitioner. As of now, the service connection stands in the name of Smt.Kullammal as she is one of the allottee by the Tamil Nadu Slum Clearance Board.

4. The learned counsel for the petitioner further states that the commercial shops are functioning in that locality and Smt.Kullammal has failed to pay the electricity consumption charges to the Board, for which the writ petitioner cannot be penalised. The writ petitioner is ready and willing to pay the applicable charges in the event of providing a separate connection in the premises wherein the writ petitioner resides. Under these circumstances the present writ petition is filed by the writ petitioner.

5. The learned counsel, appearing on behalf of the respondents, disputed the contentions raised on behalf of the writ petitioner by stating that common electricity service connection is provided in the name of Smt.Kullammal in respect of the row houses wherein the family members are residing.

6. Admittedly, the original allotment was made in favour of the father of the writ petitioner Mr.Kitheri. Mr.Kitheri is having two wives, namely, Anthonyammal and Kullammal. Thus, the service connection stands in the name of Smt.Kullammal and from and out of the common electricity service connection, the occupants of the row houses are utilizing the electricity.

7. The learned counsel for the respondents further states that the commercial activities are going on in the premises and in spite of that the owners of the premises are not paying the electricity consumption charges for the past many years. The arrears in respect of one service connection, as of now, to be paid to the Electricity Board is about Rs.2,62,493/- and in another service connection, the due is Rs.74,665/-. In the event of depositing the arrears of consumption charges, the Board will be in a position to restore the electricity service connection in the premises belongs to the writ petitioner as well as the said Smt.Kullammal.

8. This Court is of an opinion that when the writ petitioner is utilizing the common electricity service connection, which stands in the name of Smt.Kulammal, the service connection cannot be restored in respect of the writ petitioner alone. The application submitted by the writ petitioner had been rejected on the ground that the arrears of consumption charges are to be paid. In the event of clearing the arrears of consumption charges, the respondent-Board will be in

a position to restore the service connection and to consider the application submitted by the writ petitioner for providing a separate electricity service connection in the name of the writ petitioner, if necessary by invoking Clause 27 (4) of the Tamil Nadu Electricity Distribution Code.

9. It is made clear that in the event of clearing the arrears of consumption charges, the case of the writ petitioner shall be considered by the Competent Authorities for providing a separate electricity service connection in the name of the writ petitioner by obtaining an Indemnity Bond and an undertaking by invoking clause 27 (4) of the Tamil Nadu Electricity Distribution Code.

10. This being the factum of the case, this Court is unable to consider the relief, as such, sought for the present writ petition to restore the electricity service connection and as the petitioner is not willing to settle the arrears of consumption charges immediately.

11. The learned counsel, appearing on behalf of the writ petitioner, seeks four weeks time to get instructions from the writ petitioner. It is for them to get instructions and pay the arrears of electricity consumption charges, enabling the Board to restore the electricity service connection. In the event of clearing the arrears of consumption charges, the claim of the writ petitioner for providing a separate connection shall be considered by the authorities, if the writ petitioner is otherwise eligible, in accordance with the Supply Code and Distribution Code.

12. With these above observations, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-

सत्यमेव जयते Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

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To

1. The Chairman,
Tamil Nadu Electricity Generation and
Distribution Corporation, Anna Salai,
Chennai - 600 002.

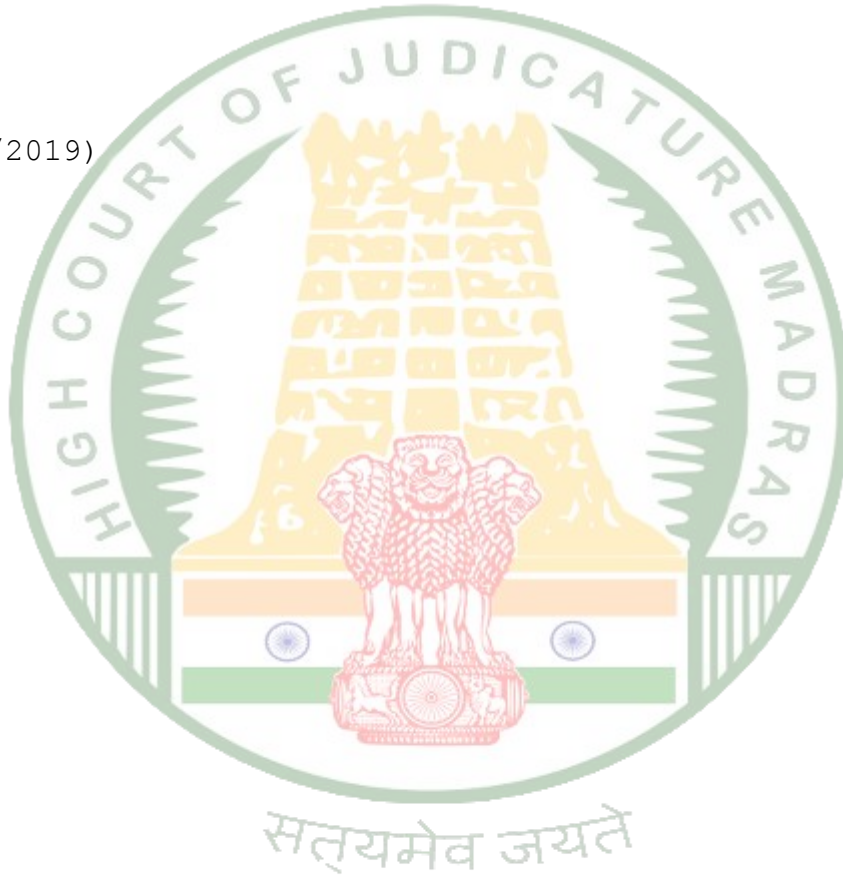
2. The Assistant Engineer (O&M)/East,
Tamil Nadu Electricity Generation and
Distribution Corporation, Ashok Nagar,
Chennai - 600 078.

+1cc to Mr.T.K.S.Bharathy Anandaraj, Advocate SR.No.461

+1cc to Mr.S.K.Rameshuwar, Advocate SR.No.817

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RR(CO)
GMY(30/01/2019)



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