

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.23472 of 2018 and
W.M.P.No.27390 of 2018

S.Natarajan

...Petitioner

-vs-

1.The Chairman
Tamil Nadu Electricity Board,
Anna Salai, Chennai - 600 002

2. The Superintendent of Engineer,
TANGEDCO,
Villupuram District

3. The Executive Engineer,
TANGEDCO
V.Parankani Vannur Taluk,
Villupuram District

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records of the proceedings and the order in Ka.En/Sepo/EPa/ Thzvam/Ko/Ka/No:/18 dated 07.02.2018 passed by the 3rd Respondent herein and quash the same, direct the respondents to restore the service connection no:86.

For Petitioner : Mr.Vimal B.Crimson

For Respondents : Mr.M.Varunkumar
Standing counsel for TNEB

ORDER

The writ petition is directed against the impugned order dated 07.02.2018 passed by the Executive Engineer, TANGEDCO, the third respondent herein in and by which the third respondent called upon the petitioner to produce relevant documents for new connection since the petitioner's electricity service connection was disconnected for non payment of electricity charges.

2.Learned counsel appearing for the petitioner would submit that the petitioner and his family are residing at Mayilam, Pondicherry Main Road, Mariyamman Kovil Street, Ramanathapuram Vannur Post, Villupuram District for more than three decades by paying property tax with the Revenue Department without any default. Since there is no electricity service connection, the petitioner approached the respondents for domestic electricity service connection and the same was provided to the petitioner in service connection bearing No.86. Due to the ill health of the petitioner's wife, the petitioner was not in a position to pay the bill for the service connection bearing No.86 as he was stayed away from his residence. After coming to know that the service connection was disconnected, the petitioner approached the respondents to furnish the details of the arrears amount and to restore the service connection by way of a representation dated 13.05.2017 narrating the entire facts to the respondents to restore the domestic service connection bearing No.86. Finding no response, he has come to this Court by way of filing W.P. No.735 of 2018 and this Court by order dated 21.01.2018 directed the respondents to consider the representation given by the petitioner. Despite the order, the respondents have not come forward to restore the service connection stating that they will consider new connection if the petitioner submits proper documents. Learned counsel appearing for the petitioner would submit that now the petitioner is preparing to pay the entire arrears so that the respondents can give new service connection.

3.Learned Standing Counsel appearing for the respondents would submit that the petitioner is not entitled to get electricity service connection from the respondents for the two reasons. Firstly, when the petitioner was given the service connection in S.C. No.86, he has not paid the current consumption charges from March 2004 onwards and therefore, the service was disconnected and thereafter, it was permanently dismantled from May 2006. Therefore, the petitioner is not entitled to get back the restoration of the service connection. Secondly, the Village Administrative Officer has given a certificate stating that the land in which the petitioner seeks for electricity service connection belongs to the Customs Department and therefore, the petitioner was requested to get No Objection Certificate from the Customs Department for giving new service connection. Therefore, if the petitioner gives No Objection Certificate from the Customs Department or shows any document or title in favour of the petitioner, the respondents can give electricity service connection.

4.When admittedly the Village Administrative Officer has given a certificate stating that the land in question belonging to the Customs Department and it is not belonging to the petitioner, this Court is not able to find any merit in the writ

petition. Learned counsel appearing for the petitioner would submit that the petitioner has been paying property tax to the building in question. Even the receipt of property tax does not show that the petitioner has been paying the property tax to the land in question. Accordingly, the writ petition fails and the same is dismissed. Consequently, connected W.M.P. is closed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Chairman
Tamil Nadu Electricity Board,
Anna Salai, Chennai - 600 002
2. The Superintendent of Engineer,
TANGEDCO,
Villupuram District
3. The Executive Engineer,
TANGEDCO
V.Parankani Vannur Taluk,
Villupuram District

+1 cc to Mr.M.Varunkumar, Advocate, Sr.No. 37457

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AK(CO)
CSL/04.06.2019

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