



WEB COPY

W.P.(MD)No.15536 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **05.09.2019**

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P. (MD)No.15536 of 2019

and

W.M.P. (MD)No.12186 of 2019

Sermadurai

: Petitioner

Vs.

1.The Superintending Engineer,
TANGEDCO,
Maharaja Nagar,
Tirunelveli-11.

2.The Executive Engineer,
TANGEDCO,
Valliyoor,
Tirunelveli District.

3.The Junior Engineer (Distribution),
TANGEDCO,
Valliyoor,
Tirunelveli District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to restore the electricity connection bearing S.C.No.L-50 to the petitioner's house bearing Door No.33/77 at Main Road, Nambiyanvilai, Vadakku Valliyoor Village, Radhapuram Taluk, Tirunelveli District, by considering the petitioner's representation dated 12.04.2019.

For Petitioner : Mr.S.R.Anbarasu

For Respondents : Mr.G.Kasinathadurai

ORDER

The petitioner is the owner of the house bearing Door No.33/77, Main Road, Nambiyanvilai, Vadakku Valliyoor Village, Radhapuram Taluk, Tirunelveli District and his property was assessed to tax from his grandfather's time itself and service connection was effected in S.C.No.L-50 and he was regularly paying the electricity consumption charges. During widening of the Valliyoor-Nagercoil Main Road, a portion of his house was demolished on the ground that it was built by encroaching the National Highways land. Thereafter, he has renovated the rear portion of the house and sought for restoration of electricity service connection from the respondents, which was rejected. Aggrieved over the same, the petitioner is before this Court.

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2. The third respondent filed a counter-affidavit stating that the electricity service connection has been permanently disconnected due to demolition of the entire structure of the petitioner. The petitioner has constructed a house in the new location and, therefore, he has to apply for fresh connection and there is no question of restoring and re-connecting the previous electricity service connection. Since it was permanently closed on 08.05.2019, as per the guidelines of Tamil Nadu Electricity Supply Code 22[6(i)], he is not entitled to the connection.

3. The submissions made by both sides reveal that there is a dispute as to the location of the house. It is not clear as to whether the house is located in Highways land by encroaching the same, or at a new location. According to the petitioner, he has renovated the rear portion and sought for restoration of the old service connection. The property tax receipts and other documents produced by the petitioner also would go to show that the old door number is retained for the renovated structure.

4. Be that as it may, now, there is a dispute over the construction and the respondents received objections with regard to providing electricity service connection. In such circumstances, a direction is given to the petitioner to file a fresh application for electricity service connection along with the documents required by the respondents. On such filing a fresh application along with the documents, the respondents shall, after affording opportunity to the petitioner, conduct enquiry and decide on issuing a fresh electricity service connection to the petitioner. The process shall be completed, within a period of four weeks from the date of receipt of the application from the petitioner.

5. The Writ Petition stands disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS)

+1 CC to MR.G.KASINATHADURAI, Advocate (SR-85591[F] dated 06/09/2019)

Order made in
W.P. (MD)No.15536 of 2019
05.09.2019

SML

MK (27.09.2019) 2P 2C

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