

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2020

CORAM:

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

WP.No.5406 of 2020

A.Lingadurai

... Petitioner

Versus

1.The Assistant Executive Engineer,
O & M TANGEDCO,
110kv SS complex, Mambakam,
Chengalpet District.
Pin - 600 048.

2.The Assistant Engineer,
O & M TANGEDCO,
Kandigai, Melakottaiyur,
SH-121, Vandalur Kelambakkam Road,
Chengalpet District.
Pin - 600 127.

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents to restore electricity service connection No.576-006-1343 stands in the petitioner's name thereby ensure smooth supply of electricity to his property at No.302, Karumariamman Koil Street, Melakottaiyur, Chengalpet District.

For Petitioner : Mr.S.Pushpakaran

For Respondents: Mr.P.Gunaraj,
Standing Counsel

ORDER

This Writ petition has been filed for the issuance of Writ of Mandamus directing the respondent to restore the electricity connection, which is standing in the name of the petitioner.

2.The case of the petitioner is that he has been in possession of the property, which is a Government land. The petitioner was not provided with service connection and therefore, he filed WP. No. 8034 of 2019 before this Court seeking for new domestic electricity service connection. It was reported to the Court that already, a service connection was provided to the petitioner and since the petitioner committed default, the same was disconnected. The Writ petition was disposed of by this Court by an order dated 26.04.2019 with a observation that the petitioner is not entitled for the electricity connection till he clears the arrears. The stand of the petitioner is that all the dues have been paid to the

second respondent and that there are no other dues that are payable to the department. In spite of the same, the service connection has not been restored. Therefore, the present Writ petition is filed before this Court seeking for appropriate direction.

3.The learned counsel appearing on behalf of the respondents, on instructions, submitted that the electricity connection was not restored due to certain objections raised by the local people.

4.The learned counsel for the petitioner submitted that the petitioner is suffering without electricity connection, in spite of paying the entire dues and just because certain persons are opposing, the petitioner cannot be deprived of electricity connection.

5.The learned counsel for the petitioner, in order to substantiate his submissions, relied upon the judgment of this Court in the case of G.Murugan Vs. Chairman, Tamil Nadu Electricity Board and others, reported in 2014 (3) MLJ 851.

6.This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record.

7.The respondents have not come before this Court with a complaint that the petitioner has not paid the dues. This Court has already made it clear that the petitioner will not be entitled for electricity connection, if there are arrears to be paid to the electricity department. The specific case of the petitioner is that the entire amount has been paid and there are no dues. The respondents have come up with a plea that there is objection from the local people, since the petitioner is occupying a Poromboke land. Therefore, the electricity connection was not restored. The judgment cited by the learned counsel for the petitioner makes it clear that even when a person is in possession of Poromboke land, he will be entitled for electricity connection.

8.In view of the above, there shall be a direction to the second respondent to restore the electricity connection of the petitioner, within a period of one week from the date of receipt of copy of this order, after ensuring that the petitioner has cleared dues, if any.

9.With these observations, the Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

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Sub Assistant Registrar

klt

To

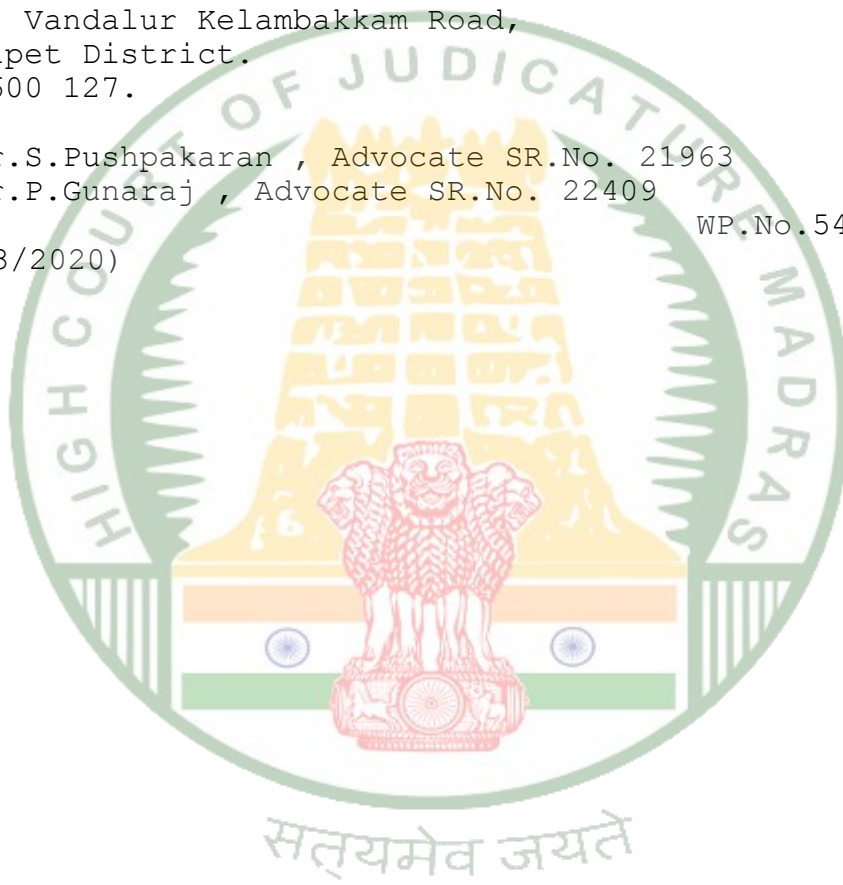
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+lcc to Mr.S.Pushpakaran , Advocate SR.No. 21963
+lcc to Mr.P.Gunaraj , Advocate SR.No. 22409

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A.SK(16/03/2020)



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