



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.11720 of 2020

K.Subathra

... Petitioner

Vs.

1.The Superintending Engineer
Theni Electricity Distribution Circle
Theni

2.The Executive Engineer
Distribution
Theni Electricity Distribution Circle
Theni

3.The Deputy Financial Controller
Theni Electricity Distribution Circle
Theni

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to order dated 31.08.2020 made in Lr.No.SE/TEDC/THENI/EE/GL/AEE/DEV/F.PD/D.No.519/2020 passed by the first respondent and quash as illegal and consequently direct the first respondent to provide LTCT Electricity service connection to the petitioner's land situate in D.No.17/3 Periyakulam-Kumily Road, Theni within a stipulated time.

For Petitioner : Mr.C.Muthusaravanan
For Respondents : Mrs.S.Srimathy
For Mr.S.M.S.Jonny Basha

O R D E R

Heard the learned counsel for the writ petitioner and the learned Standing Counsel for TANGEDCO.

2. The petitioner seeks providing of service connection for the petition mentioned property. The petitioner's request has been rejected on the ground that the Company in which the husband of the petitioner was a Director owes to pay a sum of Rs.60,05,362/- towards consumption charges.

3.I am not able to appreciate the stand taken by the respondents. The default committed by the Company where the husband of the petitioner was a director cannot fall on the petitioner. Of course, if the petitioner is seeking service connection in respect of the very same premises which had witnessed default earlier, then



the petitioner will not have legs to stand on. But the petitioner is asking for service connection in respect of an altogether different property. Therefore, the order impugned in the writ petition is quashed. The respondents are directed to provide the service connection sought for by the petitioner subject to fulfillment of all other formalities. In other words, the default committed by the Company in which the petitioner's husband was the Director will not be put against the petitioner. Of course, the respondents are at liberty to proceed against the petitioner's husband in the manner known to law for recovery of other outstanding charges.

4. Accordingly, this Writ petition is allowed. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

msa

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The Superintending Engineer
Theni Electricity Distribution Circle
Theni
2. The Executive Engineer
Distribution
Theni Electricity Distribution Circle
Theni
3. The Deputy Financial Controller
Theni Electricity Distribution Circle
Theni.

W.P. (MD) No.11720 of 2020
30.09.2020

VB (09.10.2020) 2P 4C