



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2020

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P(MD).No.15254 of 2020

W.P. COPY

T.Rani

.. Petitioner

Vs.

The Assistant Electrical Engineer,
(Operation and Maintenance)
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Dindigul Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Kannivadi, Kannivadi Post,
Dindigul West Taluk,
Dindigul District - 624 705.

.. Respondent

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned letter issued by the respondent dated 23.10.2020, in letter No.Woo.Mi.Po./Pa/Ka.Vadi/Va. Aa/Ko.Pugar Manu /A.No.110/20, and to quash the same and consequently direct the respondent to provide new Electrical Energy Supply under the category of LA3A1/3/3.158 KV, for the petitioner's Poultry Farm established in the land bearing S.F.No.534/19C, of Alathuranpatti, Sirangadu Village, Near Muthuchamy Kovil, Kannivadi Post, Dindigul West Taluk, Dindigul District, on resubmission of the returned application of the petitioner dated 20.10.2020 within a stipulated time as that may be fixed by this Court.

For Petitioner	: Mr.A.Saravanan
For Respondents	: Mrs.M.Rajeswari for M/s.SMS.Johnny Basha, Standing Counsel

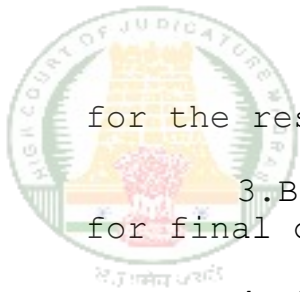
ORDER

(This writ petition is heard through Video Conference)

This writ petition has been filed challenging the impugned letter dated 23.10.2020, issued by the respondent rejecting the application submitted by the petitioner seeking electricity connection for her Poultry farm established in the land bearing S.F.No.534/19C of Alathuraipatti, Sirangadu Village, Near Muthuchamy Kovil, Kannivadi Post, Dindigul West taluk, Dindigul District.

2.Heard Mr.A.Saravanan learned counsel for the petitioner and Mrs.Rajeswari, for M/s.SMS.Johnny Basha, learned Standing Counsel

<https://hcservices.ecourts.gov.in/hcservices/>



for the respondents.

3. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4. The learned counsel for the petitioner submits that the respondent has rejected the application submitted by the petitioner for electricity connection for the above mentioned Poultry Farm on the following three grounds.

a) in the application, the petitioner has not mentioned the door number and survey number.

b) in the application, the petitioner has not signed at two places.

c) there is one more owner for the same property and his consent has not been obtained.

5. The learned counsel for the petitioner drew the attention of this Court to the application form submitted by the petitioner seeking for electricity service connection and pointed out that in the said application form, there is no requirement for the petitioner to mention the door number and survey number, since the respondents had not asked for the same. In so far as the second ground for rejection namely that the petitioner has not signed at two places is concerned, the learned counsel for the petitioner would point out that the petitioner is willing to sign at places, wherever the respondent asks him to sign. In so far as the third ground for rejection that there is another co-owner for the property is concerned, the learned counsel for the petitioner drew the attention of this Court to the sale deed dated 11.10.2018, which exclusively stands in her name and there is no co-owner for the property. Hence, according to him, the third ground of rejection is also not correct. According to him, by total non application of mind, the impugned order has been passed.

6. Per contra, Mrs. Rajeswari, learned Standing counsel for the respondent on instructions, would submit that the petitioner's husband has committed theft of electricity and the respondent has also initiated action against him for the same. It is also contended by her that there is one more co-owner to the same property by name Muthuchamy and therefore, no objection from him is required for granting of electricity connection in favour of the petitioner.

7. Even though the learned Standing counsel for the respondent would submit that the petitioner's husband had committed theft of electricity and there is also another co-owner for the same property by name Muthuchamy, the impugned order does not disclose the same. The reasons given by the respondent for rejection of the electricity service connection are a) in the application, the petitioner has not



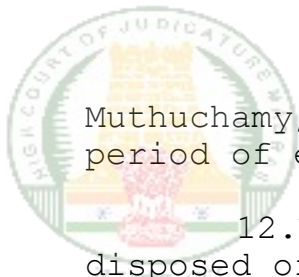
the petitioner has not signed at two places and c) there is one more owner for the same property and his consent has not been obtained.

8.The learned counsel for the petitioner on instructions has also submitted before this Court that the petitioner is willing to comply with all the requirements of the respondents for the grant of electricity service connection. He has also submitted that the petitioner has already invested huge amount of money for establishing the poultry farm. Hence, the electricity service connection is immediately required for running the same.

9.As seen from the impugned order, the reasons for rejection are not serious in nature and is not difficult for the petitioner to comply with the said requirements. The application form, which was filed along with the typed set of papers also does not contain a column for disclosure of survey number and door number. The sale deed, which the petitioner has filed along with the typed set of papers also stands in the exclusive name of the petitioner. As far as the signatures are concerned, the learned counsel for the petitioner on instructions has submitted before this Court that the petitioner is willing to sign wherever the respondent asks her to sign for the purpose of obtaining the electricity connection. However, with regard to the contention made by Mrs.Rajeswari, learned Standing Counsel that the petitioner's husband has committed theft of electricity is concerned, the impugned order does not disclose the same. The reasons for rejection as seen from the impugned order are not serious in nature and are curable.

10.For the foregoing reasons, this Court is of the considered view that the impugned order passed by the respondent rejecting the petitioner's application for electricity connection has to be necessarily quashed and remanded back to the respondent for fresh consideration, after hearing the necessary parties including Muthuchamy, whom the respondent claims to be the co-owner of the property. The petitioner will have to represent the application, which was returned by the respondent, along with all necessary documents, within a period of one week from the date of receipt of a copy of this order.

11.In the result, the impugned letter dated 23.10.2020 passed by the respondent is hereby quashed and the matter is remanded back to the respondent for fresh consideration. The petitioner is directed to represent the application, which was returned by the respondent, along with all necessary documents, within a period of one week from the date of receipt of a copy of this order. On receipt of the same, the respondent shall pass final orders on the application submitted by the petitioner for electricity connection for her poultry farm in the land bearing S.F.No.534/19C, of Alathuranpatti, Sirangadu Village, Near Muthuchamy Kovil, Kannivadi Post, Dindigul West Taluk, Dindigul District, on merits and in



Muthuchamy, whom the respondent claims to be a co-owner, within a period of eight weeks thereafter.

12. With the aforesaid directions, this writ petition is disposed of. No costs.

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Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

TM

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

The Assistant Electrical Engineer,
(Operation and Maintenance)
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Dindigul Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Kannivadi, Kannivadi Post,
Dindigul West Taluk,
Dindigul District - 624 705.

+1 CC to M/s.A. SARAIVANAN, Advocate (SR-21058[F] dated 04/11/2020)

W.P (MD) .No.15254 of 2020
04.11.2020

CK (CO)

AP (18/11/2020) 4P 3C