



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:22.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD)No.18500 of 2020

and

W.M.P(MD)No.15471 of 2020

(Through Video Conference)

WEB COPY

K.Maduraiveeran

... Petitioner

Vs.

The Superintending Engineer,
TANGEDCO,
Karaikudi Town,
Karaikudi,
Sivagangai District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to restore the electricity supply in electricity connection Consumer No.402-031-1937.

For Petitioner	: Mr.S.Anwar Sameem
For Respondent	: Mrs.M.Rajeswari for Mr.S.M.S.Johny Basha Standing Counsel

O R D E R

This writ petition has been filed for a Mandamus, seeking for a direction to the respondent to restore the electricity supply in electricity connection Consumer No.402-031-1937.

2. It is the case of the petitioner that he was granted electricity service connection for his house property bearing Door No.46, TT Nagar, Karaikudi Town, Karaikudi on 03.11.2020 after verification of records by the respondent. However, according to him, arbitrarily and illegally, without any notice to him, the electricity supply was disconnected by the respondent on 05.11.2020.

3. A counter affidavit has been filed by the respondent wherein they have admitted that electricity service connection was given to the petitioner's house on 03.11.2020 in electricity connection Consumer No.402-031-2937 and not in Consumer No.402-031-1937. But, they have stated that by mistake, without proper verification of records, the same was given. According to them, the subject house is located in a poramboke land and it is not belonging to the petitioner and therefore, he is not entitled for electricity service connection to his house.



4. Admittedly, as seen from the counter affidavit filed by the respondent, electricity service connection was granted to the petitioner's house on 03.11.2020. It is also an admitted fact as seen from the counter affidavit filed by the respondent that electricity service connection was disconnected on 04.11.2020 without any notice having been given to the petitioner.

5. When the electricity service connection has been granted by the respondent based on an application submitted by the petitioner, the respondent ought to have issued notice to him before disconnecting the electricity service connection. In the normal course, only after verification of documents, the respondent would have granted the electricity service connection. While that be so, the respondent has admittedly disconnected the electricity service connection of the petitioner without any notice to him and without affording adequate opportunity to him to raise objections available to him under law with regard to the disconnection.

6. Therefore, this Court is of the considered view that disconnection of electricity service connection has been done arbitrarily without adhering to the statutory provisions and without affording any opportunity to the petitioner to raise all objections available to him under law.

7. For the foregoing reasons, this Court is of the considered view that the petitioner is entitled for a Mandamus as sought for in this writ petition to direct the respondent to restore the electricity supply, which was arbitrarily and illegally disconnected by the respondent on 04.11.2020.

8. In the result, this Court directs the respondent to restore the electricity supply in electricity service connection Consumer No.402-031-2937, to the petitioner's house bearing Door No.46, TT Nagar, Karaikudi Town, Karaikudi, within a period of one week from the date of receipt of a copy of this order.

9. Accordingly, this writ petition is allowed. However, liberty is granted to the respondent to seek for disconnection of the electricity service connection to the petitioner's house by following the statutory provisions and by adhering to the principles of natural justice. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



pm

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 Superintending Engineer,
TANGEDCO,
Karaikudi Town,
Karaikudi,
Sivagangai District.

+1 CC to Mr.T.ANTONY ARUL RAJ, Advocate SR.No. 26968

Order made in
W.P. (MD) No.18500 of 2020
Dated: **22.12.2020**

SSS(CO)
TR(08.01.2021) 3P 3C