



WEB COPY

W.P.(MD)No.14632 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 05.08.2020
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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 14632 of 2017

and

W.M.P. (MD) Nos. 11472 of 2017 and 15606 of 2018

and

CONT.P. (MD) No. 1799 of 2017

W.P. (MD) No. 14632 of 2017:-

Soundaraselvi

... Petitioner

Vs.

1. The Assistant Engineer
(Distribution), TANGEDCO,
Tiruchendur, Tuticorin District.

2. The Executive Officer,
Tiruchendur Special Grade Town Panchayat,
Tiruchendur, Tuticorin District.

3. The Revenue Divisional Officer,
Tiruchendur,
Tuticorin District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the entire records in connection with the impugned order passed by the first respondent in U.Me. po/v/Theer/go/Aa No.260/17, dated 20.07.2017 quash the same as illegal and consequently directing the first respondent not to disconnect the electricity connection in D.No.79/2, Santhana Mariamman Kovil Street, Tiruchendur, Tuticorin District.

CONT.P. (MD) No. 1799 of 2017:-

Soundaraselvi

... Petitioner / petitioner

vs

M.Kumar,
The Assistant Engineer (Distribution),
TANGEDCO, Tiruchendur,
Tuticorin District.

.. Respondent / Contemnor



PRAYER: Contempt Petition is filed under Section 11 of the Contempt Courts Act, to punish the respondent for willful disobedience of contempt of the order passed by this Court in W.M.P.(MD)No.11472 of 2017 in W.P.(MD)No.14632 of 2017 dated 04.08.2017.

Prayer in WMP(MD). 11472/ 2017 :

To pass an order of interim stay all further proceedings of the impugned order passed by the 1st respondent in U.Me. Po/v/Theer/go/Aa No.260/17 dated 20.07.2017.

For Petitioner	: Mr.D.Anbarasu
For R2	: Mr.M.Rajarajan Government Advocate
For R1	: Ms.M.Rajeswari for Mr.S.M.S.Johny Basha Standing Counsel (in Writ Petition)

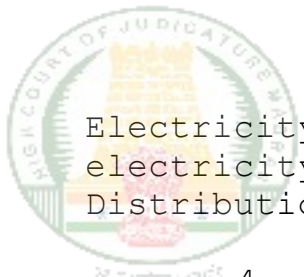
For Petitioner	: Mr.D.Anbarasu
For Respondent	: Ms.M.Rajeswari for Mr.S.M.S.Johny Basha Standing Counsel (in Contempt Petition)

O R D E R

Heard the learned counsel appearing on either side.

2. The petitioner was granted service connection for the petition mentioned property. The property tax assessment in respect of the said property was cancelled by the Local Body vide proceedings, dated 29.06.2017. Since the property tax assessment in respect of the said property was cancelled, the impugned order, dated 20.07.2017 came to be issued. Questioning the impugned communication, this writ petition was filed and an interim order of stay was granted on 04.08.2017. Alleging that in breach of the interim order of stay, the service connection was disconnected, contempt petition in CONT.P.(MD)No.1799 of 2017 came to be filed. The contemnor contends that the disconnection was effected on 02.08.2017 and the interim order came to be passed only two days later. When the contempt petition was listed before me, I suggested that the main writ petition itself could be taken up for disposal.

3. The objection raised by the learned Standing Counsel for the Electricity Board is that the petitioner had applied for electricity connection based on certain documents and that the electricity connection was provided in terms of Section 43 of the



Electricity Act, 2013. She would emphasis the fact that the electricity connection was not provided under Rule 27 of the Distribution Code.

4. I am not impressed by the said objection. It is not the case of the respondents that the land, on which the building has been constructed and for which the electricity connection had been given, is a poromboke land. It is not the case of the respondents that there is any rival claim. I understand that the assessment of property tax came to be cancelled by the Local Body. But, on that score the electricity connection ought not to have been disconnected. The dispute between the Local Body and the writ petitioner need not have been taken cognizance by the first respondent. Electricity supply is a fundamental amenity.

5. I am pained to note that even though an interim order of stay was granted by the learned Judge of this Court, the same has been casually ignored by the first respondent. The electricity connection was given to the petitioner way back in the year 2015. For more than two years, she was enjoying the same. The first respondent could have effected disconnection, if the petitioner had defaulted in paying the consumption charges or she had conducted any breach of the provisions of law. The cancellation of the tax assessment could not have been a relevant ground for effecting disconnection. The impugned order has been passed in an arbitrary manner. It has not taken note of the relevant aspects. When there is no rival claim regarding the title of the land, the first respondent ought not to have acted on the proceedings of the second respondent, dated 29.06.2017.

6. The learned counsel for the petitioner informs me that based on the order dated 29.06.2017, subsequent proceeding was issued by the Local Body on 29.05.2018. The same was successfully challenged by the petitioner in W.P.(MD)No.14629 of 2018. The learned counsel for the petitioner informs me that the Keela Eral Nadar Uravinmurai Sangam, the third respondent in W.P.(MD)No.14629 of 2018, was relegated to move the Jurisdictional Civil Court. But, till date the Civil Court has not been approached. In the order passed by the first respondent, reference has been made only to the order dated 29.06.2017. Therefore, the same also cannot be improved upon at this stage.

7. In any event, taking note of the subsequent writ proceedings initiated by the writ petitioner, the order impugned in the writ petition is quashed and the Writ Petition is allowed. In view of the same, the contempt petition also stands closed as nothing survives for further adjudication. The first respondent is directed to effect reconnection forthwith. The petitioner



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formalities that may be required to be complied with in this regard. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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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 Executive Officer,
Tiruchendur Special Grade Town Panchayat,
Tiruchendur, Tuticorin District.
2. The Revenue Divisional Officer,
Tiruchendur,
Tuticorin District.

W.P. (MD) No. 14632 of 2017

and

CONT.P. (MD) No. 1799 of 2017

05.08.2020

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