

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 15.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.8210 of 2018

Velusamy Gounder

... Petitioner

Vs.

1. Junior electrical Engineer,
Tamil Nadu Electricity Generation and
Distribution Corporation, Vadachittoor,
Kinathukadavu Taluk, Coimbatore District.
 2. Deputy Executive Engineer,
Tamil Nadu Electricity Generation and
Distribution Corporation, Kinathukadavu,
Coimbatore District.
 3. The Executive Engineer (Operation and Maintenance),
Tamil Nadu Electricity Generation and
Distribution Corporation, Nagamam,
Coimbatore District.
 4. The Superintending Engineer,
Tamil Nadu Electricity Generation and
Distribution Corporation, Tatabad,
Coimbatore.
- ... Respondents

PRAYER: Writ petition filed under Section 226 of the Constitution of India to issue a writ of Mandamus directing the first respondent to dispose of the petitioner's application dated 27.09.2017 and 23.12.2017, within the time that may be fixed by this court and to give electricity connection to the petitioner's house in Survey No.157/2, Vadachittor Village, Kinathukadavu Taluk, Coimbatore District.

For petitioner : Mr.G.Govarthanan
for Mr.M.Mohamed Hasan

For respondents :Mr.N.Damodaran,
Standing Counsel forTNEB

ORDER

This writ petition has been filed for direction to the first respondent to dispose the petitioner's application dated 27.09.2017 and 23.12.2017, within the time fixed by this court and to give electricity connection to the petitioner's house in Survey No.157/2, Vadachittor Village, Kinathukadavu Taluk, Coimbatore District.

2. The learned counsel appearing for the petitioner submitted that the petitioner has made an application dated 27.09.2017 to the first respondent for getting electricity connection for his house. Thereafter, he has given another representation dated 23.12.2007 to the Assistant Engineer and the Junior Engineer through RPAD along with the printed indemnity bond and computerised patta and ration card, as required by the respondents through a communication dated 04.10.2007, to prove that the petitioner is residing in the address as mentioned in the documents. The above said representation dated 23.12.2007 was received by the first respondent on 28.12.2017. He further submitted that as per Section 42 of Electricity Act 2003 and Rule 24 of the Electricity Regulatory Commissioner (Annual Report) Rules 2004, the respondents/Electricity Board ought to have provided electricity connection to the petitioner, after getting indemnity bond. However, even after lapse of three months, the first respondent had not taken any steps to provide electricity connection and hence, this writ petition.

3. Mr.N.Damodaran, Standing Counsel is appearing for the Electricity Board.

4. Considering the limited prayer sought for in this writ petition and also taking into account the fact that the petitioner had sent all the documents as required by the respondents/Electricity Board for getting electricity connection, this court is inclined to dispose the writ petition.

5. It is specifically averred in the writ petition that the petitioner had submitted his application dated 27.09.2017 for getting electricity connection to the first respondent and thereafter, as per the communication dated 04.10.2017 from the first respondent, he had also sent his representation dated 23.12.2017 along with the necessary documents to the first respondent through RPAD and it was received by the first respondent on 28.12.2017 itself. As per the guidelines issued by the Electricity Board, the application should be considered by the respondents within the reasonable time. But keeping the application pending without any process is pushing the petitioner from Pillar to Post in getting electricity connection, which is deprecated by this

court. When the petitioner produced all the documents, it is the duty of the respondents to comply the same or to pass appropriate orders. If there is any defect in the application, the same should be communicated to the petitioner within the time limit, so as to enable the petitioner to rectify and re-present the same. But, without taking any such action, the first respondent has simply kept the application years together by taking away the right of the petitioner in getting the basic amenity of electricity connection.

6. In the light of the above, this court directed the third respondent to consider the petitioner's application dated 27.09.2017 and 23.12.2017 and to pass appropriate order on merits, in accordance with law, as early as possible, within a period of eight weeks from the date of receipt of a copy of this order. If there is any defect, the same shall be communicated to the petitioner to rectify it, within the reasonable time.

7. With the above observation, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-IV)

//True copy//

Sub Assistant Registrar

mst

To

1. Junior electrical Engineer,
Tamil Nadu Electricity Generation and
Distribution Corporation, Vadachitoor,
Kinathukadavu Taluk, Coimbatore District.
2. Deputy Executive Engineer,
Tamil Nadu Electricity Generation and
Distribution Corporation, Kinathukadavu,
Coimbatore District.
3. The Executive Engineer (Operation and Maintenance),
Tamil Nadu Electricity Generation and
Distribution Corporation, Nagamam,
Coimbatore District.
4. The Superintending Engineer,
Tamil Nadu Electricity Generation and
Distribution Corporation, Tatabad,
Coimbatore.

+1cc to Mr.B.Rama Moorthy, Advocate SR.No.23282

W.P.No.8210 of 2018

AD (CO)
GMY (16/06/2021)



WEB COPY