



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.20484 OF 2021

E.Subramani

... Petitioner

Vs.

1. The Chariman,
Tamil Nadu Electricity Board,
No.800, Anna Salai,
Chennai 600 002.
2. The Assistant Engineer,
Tamil Nadu Electricity Board,
No.37, Medavakkam Kulasalai Road,
Nammazhvarpettai,
Chennai.
3. Mrs.R.Margaret
4. Mr.R.Michael Jebaraj

... Respondents

Prayer:Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of impugned order dated 11.10.2019 in proceedings Letter No. உ.செ.பொ/இ(ம)பரா/கீழ்பாக்கம்/கோ/மனு /4154/19-20 issued by the 2nd respondent herein and quash the same and to direct the 2nd respondent to give new EB connection in respect of Door No. 36/56, Madavakkam, 2nd street, Kilpauk, Chennai-600 010, within the time stipulated by this Court.

For Petitioner : Mr.B.Govindaprabhu

For Respondents : Mr.Jaivenkatesh
Standing Counsel for TNEB



O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari of Mandamus to call for the records of impugned order dated 11.10.2019, issued by the 2nd respondent herein and quash the same and to direct the 2nd respondent to give new EB connection in respect of Door No. 36/56, Madavakkam, 2nd street, Kilpauk, Chennai-600 010,

2. In view of the limited relief sought for in this petition, On the consent expressed by the Learned counsel appearing for either side, this petition is taken up for final disposal.

3. The case of the petitioner is that he is residing at Door No.36/56, Mdeavakkam 2nd Street, Kilpauk, Chennai 600 010 and there was a dispute of title in respect of the above said property between the petitioner and the 3rd and 4th respondents and a Civil Suit in O.S.No.430 of 2014, was pending on the file of this Court for declaration and recovery of possession and the said Suit was subsequently transferred to the III Additional City Civil Court, Chennai and renumbered as O.S.NO.5052 of 2019, which is still pending for consideration. In respect of the said property, there was a EB Service connection, which stands in the name of one Mr.P.Jesudoss and the petitioner herein has paid the EB charges upto April 2016. On 17.03.2016, the said EB Service Connection was disconnected due to non payment of EB Charges and thereafter he approached the 2nd respondent to restore the service connection and made payment with penalty for a sum of Rs.18,002/- even though the service connection was not restored. Furthermore, the petitioner approached the Assistant Engineer, TNEB Medavakkam Tank Road, Kilpauk, Chennai, to give new EB Conection and the same was rejected with direction to approach the 2nd respondent. Challenging the said rejection order, the petitioner has filed W.P.No.28400 of 2019 and the same was disposed of with a direction to approach the 2nd respondent. Hence he made representation to the 2nd respondent dated 08.09.2019 and in reply to the same, the 2nd respondent vide his proceeding dated 11.10.2019, stating that the service connection cannot be restored beyond two years and further informed to submit Sale Deed in respect of aforesaid property to get new connection. Challenging the proceeding of the 2nd respondent, the present petition is filed.

4. The learned counsel appearing for the petitioner submitted that the Sale Deed for the property as sought for by the 2nd respondent vide the impugned order, for getting new electricity service connection cannot be given, as there is already a suit for the property in question, is pending before



the Trial Court. Further on 08.09.2021, the petitioner made representation to the 2nd respondent to restore the said EB Service Connection, however, the same has not yielded any fruitful result. Hence, the petitioner left with no other option, is constrained to approach this Court by filing this petition and prays for appropriate orders.

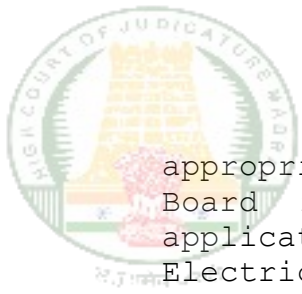
5. The learned counsel appearing for the petitioner further submitted that the similar issue came up for consideration before this Court in W.P.Nos.2472 to 2484 of 2015, wherein this Court issued direction to the 1st respondent therein to provide electricity service connection to the petitioner in terms of Clause 27(4) of the Tamil Nadu Electricity Distribution Code, 2004. Therefore, the petitioner may be directed to file appropriate application before the Electricity Board for service connection and the Electricity Board may consider the said application in terms of Clause 27(4) of the Tamil Nadu Electricity Distribution Code and pass appropriate orders within a reasonable time.

6. The learned counsel appearing for the respondent submitted that as per Clause 22(7) of the said Supply Code, if the consumers of the disconnected service come forward for reconnection after the period mentioned in Sub Regulation (6) (i), the licensee shall treat them as new applicants and supply effected after recovering all charges applicable to a new service connection and all other arrears with BPSC (Belated Payment Surcharge) and therefore, if the petitioner ready to pay the entire amount as contemplated under Section 22(7) of the Supply Code, the application of the petitioner can be considered in accordance with law.

7. This Court has carefully considered the rival submissions and also perused the materials available on record.

8. This Court has already settled similar kind of issue in W.P.No.2472 to 2484/2015, wherein a direction was given to the Tamil Nadu Electricity Board to give electricity connection on satisfying Clause 27(4) of the Tamil Nadu Electricity Distribution Code, 2004, which mandates the petitioner to produce proof to show that they are in lawful occupation of the premises. Further the facts in the above said writ petition is similar to that of one pleaded in the present writ petition and hence, the same is squarely apply to the case on hand also.

9. In view of the above, the proceedings in Letter No. ௨.௪௪.௪௪/இ(ம)பரா/கீழ்பாக்கம்/கோ/மனு /4154/19-20, dated 11.10.2019, issued by the 2nd respondent dated 11.10.2019, is quashed and further this Court issues direction to the petitioner to file an



appropriate application before the 2nd respondent Electricity Board for electricity service connection and if any such application is filed by the petitioner, the 2nd respondent Electricity Board shall consider the said application in terms of Clause 27(4) of the Tamil Nadu Electricity Distribution Code and pass appropriate orders within a period of four weeks from the date of receipt of such application. This writ petition is accordingly disposed of. No costs.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Chariman,
Tamil Nadu Electricity Board,
No.800, Anna Salai,
Chennai 600 002.
2. The Assistant Engineer,
Tamil Nadu Electricity Board,
No.37, Medavakkam Kulasalai Road,
Nammazhvarpettai,
Chennai.

+2ccs to Mr.L.Jaivenkatesh, Advocate, S.R.No.62109 & 60915

+1cc to Mr.B.Govindaprabhu, Advocate, S.R.No.62136

W.P.No.20484 of 2021

NMI (CO)
RLP(15/12/2021)