



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.29917 of 2019
and W.M.P.No.29827 of 2019

S.Senthilraja

... Petitioner

Vs.

1.The Tamil Nadu Generation and Distribution Corporation
(TANGEDCO),
rep.by its Assistant Engineer, (Operation and Maintenance),
Suburban, Mallasamudram,
Namakkal District 637 503.

2.R.Arunachalam

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the order of the 1st respondent dated 31.5.2019 in Ka.No. 2. Po/E.Pa/ Puranagar / Mallai/ Koppu. Thani / No. 35/1/19-20 and quash the same and consequently direct the 1st Respondent to forthwith disconnect the Electricity Service Connection No. 185-005-2468/ Veepatty IA. given to the property of the Petitioner, bearing Door No. 5/183, Survey No. 51/1C, Kanakkupillai thottam, Opp. Mariyamman Koil, Porasalpatty, Akkaraipatty Post, Namakkal District.

For Petitioner	: Mr.K.Selvaraj
For R1	: Mr.L.Jaivenkatesh Standing Counsel (TNEB)
For R2	: Mr.M.Asvin Kumar for M/s.Sarvabaman Associates



O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari Mandamus calling for the records relating to the order of the 1st respondent dated 31.5.2019 and quash the same and consequently direct the 1st Respondent to forthwith disconnect the Electricity Service Connection.

2. The case of the petitioner is that the petitioner is the absolute owner of the property measuring 89 cents in S.F.No.54/1A, the property measuring 1 acre and 987 cents in S.F.No.51/1C, property measuring 2 acres and 56 cents in S.F.No.51/2, property measuring 1 acre and 04 cents in S.F.No.51/3A, in patta no.143, situated at Porasalpatty Village, Mallasamudram Sub Registration District. The petitioner acquired the said property by way of a registered Settlement Deed dated 18.06.1997 and he also put up a farm house in S.F.NO.51/1C and his family members used to stay there while visiting the agricultural property. While being so, the petitioner's maternal uncle who is the 2nd respondent herein used to visit the lands of the petitioner for maintenance purpose. When the petitioner recently visited his farm house, he found that his uncle / 2nd respondent has illegally obtained electricity service connection in his name, without any title, right and against the provisions of the Indian Electricity Act, 2003. Therefore, the petitioner has sent an application dated 15.09.2018, requesting the 1st respondent to disconnect the electricity service connection and also submitted a registered copy of the Settlement Deed in favour of him, the patta and tax receipts of the petitioner's property to the 1st respondent and thereafter, the 1st respondent has also sent a Show Cause notice to the 2nd respondent, to show cause as to how he has obtained the service connection. However, the 2nd respondent has wantonly refused to receive the show cause notice. While such being the case, the 1st respondent ought to have disconnected the service connection, however, the 1st respondent by order dated 31.05.2019, has refused to disconnect the illegal service connection on the sole ground that there is no provision in the code of the TANGEDCO. Aggrieved by the same, the petitioner is constrained to approach this Court by filing this Writ Petition.

3. The learned counsel appearing for the petitioner submitted that the 2nd respondent is not the owner of the above said property and he is not the lawful occupant of the said property. Since the 2nd respondent is neither the owner nor the lawful occupant, the electricity service connection obtained by



him for the property of the petitioner is against the provisions of the Indian Electricity Act, the Supply code of the TANGEDCO. As per the provisions of the above said Act, the 1st respondent can give the electricity service connection only to the owner of the property. Therefore, the impugned order dated 31.05.2019 passed by the 1st respondent is totally unjustified and prays for quashment of the said order and remand the matter back to the 1st respondent for considering the petitioner's request for disconnecting the electricity connection within a reasonable time as fixed by this Court.

4. The learned counsel appearing for the 2nd respondent on instruction submitted that the 2nd respondent is ready to appear before the 1st respondent and undertakes to produce documents proving title over the property for getting electricity service connection.

5. The learned Standing Counsel appearing for the 1st respondent also fairly conceded the submission of the learned counsel for the petitioner with regard to the passing of impugned order by the 1st respondent and further submitted that reasons assigned by the 1st respondent in the impugned order is not sustainable one and the representation of the petitioner will be reconsidered in the manner known to law.

6. This Court has carefully considered the rival submissions and also perused the materials placed before it.

7. Facts in the present case is not in dispute that to substantiate the title over the property, the petitioner has produced Settlement Deed and Patta before the 1st respondent along with the representation. However the 2nd respondent has not produced any document to establish his title over the property. In view of the consent expressed by the respective parties, this Court quashes the impugned order dated 31.05.2019 in Ka.No. 2. Po/E.Pa/ Puranagar / Mallai/ Koppu. Thani / No. 35/1/19-20 and remand the matter back to the 1st respondent for reconsideration and the 2nd respondent is granted liberty to produce all relevant documents to establish his title over the property in question for getting electricity service connection. Thereafter, the 1st respondent shall reconsider the application of the petitioner dated 15.09.2018 for disconnection of electricity service connection, within a period of six weeks from the date of receipt of a copy of this order, after affording opportunity of personal hearing to the petitioner and the 2nd respondent as per the Electricity Board Regulations.



8. This writ petition is accordingly disposed of. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

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// True Copy //

Sub Assistant Registrar

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To

The Tamil Nadu Generation and Distribution Corporation
(TANGEDCO),
rep.by its Assistant Engineer, (Operation and Maintenance),
Suburban, Mallasamudram,
Namakkal District 637 503.

+lcc to Mr.K.Selvaraj, Advocate SR.No.65682

+lcc to M/s.Sarvabhauman Associates, Advocate SR.No.65945

W.P.No.29917 of 2019

SMI (CO)
CB(21/01/2022)