



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.22374 of 2017
and
W.M.P.No.23453 of 2017

M.Saraswathi ... Petitioner

Vs.

- 1.The Chairman,
Tamilnadu Electricity Generation and
Distribution Corporation Ltd., (TANGEDCO),
Anna Salai, Chennai.
- 2.The Assistant Executive Engineer (Distribution),
(TANGEDCO),
Coimbatore Electricity Distribution Circle (South),
Salem Road, Arasur,
Coimbatore District.
- 3.The Assistant Engineer, (Operation and Maintenance),
(TANGEDCO),
Kaduvettipalayam, Coimbatore District ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to impugned order made in Ka.No.U.Me.PO/E&PA/Ka.Ve.Pa/K.Kandasamy/A.88/17 dated 29/5/17 passed by the third respondent and quash the same as illegal and consequently direct the respondents to restore the free Agricultural electricity connection No.291-001-74 in Kaduvettipalayam, Sulur Taluk, Coimbatore District.

For Petitioner : Mr.L.Mouli
For Respondents : Mr.N.Damodharan,
Standing Counsel



O R D E R

This writ petition has been filed for a writ of certiorarified mandamus, to quash the impugned order made in Ka.No.U.Me.PO/E&PA/Ka.Ve.Pa/K.Kandasamy/A.88/17 dated 29/5/17 passed by the third respondent and to direct the respondents to restore the free Agricultural electricity connection No.291-001-74 in Kaduvettipalayam, Sulur Taluk, Coimbatore District.

2.The impugned order, disconnecting the electricity connection is based on the alleged electricity theft committed by the petitioner's vendor wayback in 2002. Though proceedings were initiated against the petitioner's vendor. These proceedings appeared to have been dropped. However, the electricity theft by the petitioner's vendor has not been set aside.

3.The learned counsel for the petitioner submits that electricity theft was committed by the petitioner's vendor in land and Survey Number S.Nos.248/1 & 233/1G. It is stated that the petitioner was not concerned with the same. The 3rd respondent has filed a counter wherein it has been stated that under Section 56 of the Tamil Nadu Electricity Supply Code, the 3rd respondent is empowered to disconnect the supply with a 15 days prior notice.

4.It is submitted that a notice was issued regarding the electricity theft committed by the petitioner's vendor wayback in 2002. The petitioner's vendor was in arrears and that the respondents were justified in disconnecting the electricity connection given in the name of the petitioner's vendor.

5.Heard the learned counsel for the petitioner and the learned counsel for the respondent.

6.It appers that the petitioner's vendor is still in possession of the land in S.Nos.248/1 & 233/1G. It is open to the respondent to attach the same and recover the amount due from the petitioner's vendor. The recovery can be made against the petitioner provided that there was a prior attachment of the said land and the transfer was made during the existence of such attachment proceedings. The petitioner purchased the land in 2002 vide sale deed No.1137/2012 dated 06.02.2012. No attachment proceedings have been brought to the knowledge of the Court. That being the case, I am of the view, there is no necessity to quash the impugned order to recover the arrears from the petitioner's vendor. If there is no prior attachment of the land purchased by the petitioner, there is no impediment for the petitioner to apply for a fresh connection. Therefore, liberty



is given to the petitioner to apply for a fresh connection from the respondent in accordance with law. Petitioner shall therefore also file a fresh representation with the concerned respondents who shall consider the same and give electricity connection to the petitioner if the petitioner otherwise satisfies the requirement of law. This exercise shall be carried within a period of six months from the date of receipt of a copy of this order.

7.The writ petition is disposed of with the above observations. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CS VII)

/true copy/
Sub Asst. Registrar

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To

- 1.The Chairman,
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Kaduvettipalayam, Coimbatore District.

+1 cc to M/s.L.Mouli Advocate sr10774

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aa09/04/2021