



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.01.2021

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

**W.P. (MD)No.11390 of 2010
and M.P. (MD)No.1 of 2010**

Congregation of the sisters of
St.Joseph of Cluny,
44/3, Subbiah Street,
Senthaneerpuram,
Tiruchirappalli-620 001.
Rep.by Mother's Superior.

... Petitioner

Vs.

- 1.The Chairman,
Tamilnadu Electricity Board,
Electricity Avenue,
Annasalai,
Chennai-600 002.
- 2.The Superintending Engineer,
Trichy Electricity Distn.Circle/Metro,
Tamilnadu Electricity Board,
Thennur, Trichy-620 017.
- 3.The Assistant Executive Engineer,
Operation & Maintenance Palakkarai,
Tamilnadu Electricity Board,
Thennur, Trichy-620 017.
- 4.The Junior Engineer,
Operation & Maintenance Senthaneerpuram,
Tamilnadu Electricity Board,
Thennur, Trichy-620 017.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the third respondent in its proceedings in Ka.No.Vu.Se po/Eka/pata/Thiru/Ko.Kattu/A.No.011 dated 05.08.2010 and quash the same and consequently direct the respondent to restore the service connection in SC.No.209-112-87 and SC.No.209-112-306 and reclassify the service connection in SC.No.209-112-85 to residential tariff.



For Petitioner : Mr.J.Maria Roseline
For Respondents : Mrs.S.Srimathy,
for S.M.S.Johnny Basha.

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ORDER

Heard the learned counsel for the writ petitioner and the learned standing counsel for the respondents Board.

2.The petitioner is a congregation of nuns. The question is how the electricity service connection obtaining in respect of their convent is to be treated. The convent houses the nuns. There can be no doubt that the premises is being used only for housing and it is not been used for any commercial activities. There is no profit motive involved. Therefore, I am of the view that electricity service connection should be levied only under tariff 1A(domestic category).

3.The learned counsel appearing for the petitioner draws my attention to the order passed by the Division Bench of the Patna High Court rendered in Civil Writ Jurisdiction Case No.3095 of 1998(Holy Cross Convent, Tripoli Vs. Bihar State Electricity Board).

4.The Hon'ble Division Bench of the Patna High Court had observed that when the convent is being used for residential purpose by nuns/sisters, they have to be treated as domestic consumers. In this view of the matter, the order impugned in this writ petition is quashed. The respondents are directed to restore the petition mentioned service connection by classifying the same as one for residential purpose.

5.This writ petition is allowed, on these terms. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

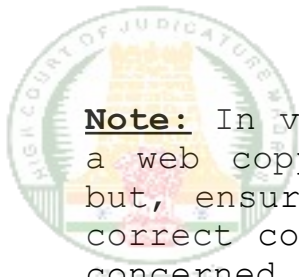
Assistant Registrar ()

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/ /2021

Sub Assistant Registrar(CS)

Gns



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.

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KM (04.02.2021) 3P 5C