



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.11671 of 2021

Kaliraj

...Petitioner

Vs.

1.The Chief Engineer/Distribution,
Tirunelveli Region,
Tamil Nadu Generation of Electricity
Distribution Corporation Limited,
Tirunelveli - 627 001.

2.The Superintending Engineer,
Virudhunagar Electricity Distribution Circle,
Office of the Superintending Engineer,
Tamil Nadu Generation of Electricity
Distribution Corporation Limited,
Virudhunagar, Virudhunagar District.

3.The Executive Engineer,
Tamil Nadu Generation of Electricity
Distribution Corporation Limited,
Sivakasi - Thiruthangal Road,
Sivakasi, Virudhunagar District.

4.The Assistant Engineer,
Office of the Assistant Engineer,
Town/Distribution,
Tamil Nadu Generation of Electricity
Distribution Corporation Limited,
Sivakasi, Virudhunagar District.

.... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 3 and 4 herein to restore the electricity supply to the Aavin Booth, situated in front of the Electricity Board Office, Sivakasi - Thiruthangal Road, Sivakasi, Virudhunagar District, within the stipulated period.

For Petitioner : Mr.M.Jothi Basu

For Respondents : Mr.S.M.S.Johnny Basha
Standing Counsel



ORDER

This writ petition has been filed for the issue of a Writ of Mandamus, directing the third and fourth respondents to restore the electricity supply to the Aavin Booth that is run by the petitioner.

2.The case of the petitioner is that he was granted permission to run a Milk Booth in front of the Electricity Board Office. The permission was granted to the petitioner through proceedings, dated 27.01.2021, issued by the General Manager of Virudhunagar District Co-operative Milk Producers Union. Subsequently, the petitioner was also given electricity connection and it is seen from records that the petitioner had also paid the electricity charges.

3.The grievance of the petitioner is that the electricity connection was withdrawn by the respondents without any notice and aggrieved by the same, the present writ petition has been filed before this Court.

4.When the matter came up for hearing, on 13.07.2021, this Court passed the following order:

Mr.S.M.S.Johnny Basha, learned Standing Counsel takes notice for the respondents.

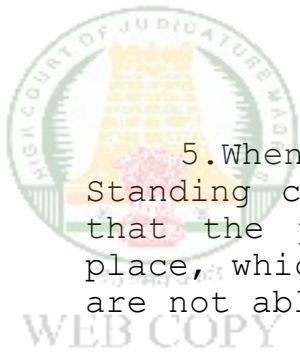
2.The learned counsel appearing for the petitioner submitted that the licence was issued for running a Milk Booth and the electricity connection was also given by the respondents. Subsequently, the petitioner had put up a eatery shop next to the Milk Booth and this extension was found to be in violation of the earlier permission granted. Therefore, the electricity connection has been withdrawn by the respondents.

3.The learned counsel appearing for the petitioner submitted that the extended portion has now been removed by the Highways Department and what is available today is only the Milk Booth, for which, the petitioner has obtained proper permission.

4.The Officials are directed to make an inspection of the property and if the original Milk Booth, for which, licence was granted alone is functioning, a decision shall be taken for restoration for the electricity. The learned Standing Counsel appearing for the respondents shall take instructions and report before this Court.

5.Post this case under the caption 'for

on 16.07.2021."



5. When the matter was taken up for hearing today, the learned Standing counsel appearing on behalf of the respondents submitted that the petitioner has located the Aavin Booth in a different place, which is objectionable. Due to the location, the respondents are not able to give electricity connection to the petitioner.

6. In reply to the said submission, the learned counsel for the petitioner submitted that the petitioner will locate the Aavin Booth, which is not objectionable for the respondents i.e., in the original position, where the electricity connection was given and the respondents may be directed to restore the electricity connection.

7. The learned counsel for the respondents submitted that if the petitioner once again locates the Aavin Booth in the original position, which was considered and electricity connection was granted initially, the respondents will consider restoring the electricity connection.

8. Taking into consideration the facts and circumstances of the case and the submissions made on either side, it is left open to the petitioner to locate the Aavin Booth at the place where it was originally located and which was taken into consideration by the respondents while initially granting the service connection. Thereafter, the petitioner can make a representation to the fourth respondent and the fourth respondent shall conduct a verification and restore the electricity connection to the petitioner. This process shall be completed by the fourth respondent, within a period of one week from the date on which the petitioner relocates the Aavin Booth and informs the fourth respondent.

9. This writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (W)

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/ /2021

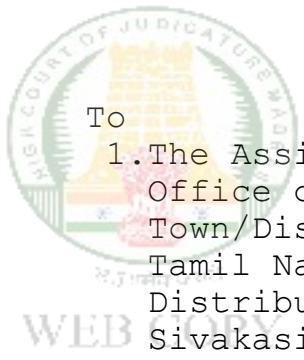
Sub Assistant Registrar (CS)

TM

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.

<https://hccsportal.hcj.mys.gov.in/hccservices/>



To

1.The Assistant Engineer,
Office of the Assistant Engineer,
Town/Distribution,
Tamil Nadu Generation of Electricity
Distribution Corporation Limited,
Sivakasi, Virudhunagar District.

+1 CC to M/s.G.M.LAW OFFICE, Advocate(SR-23102[F] dated
19/07/2021)

**W.P. (MD) .No.11671 of 2021
16.07.2021**

MGJ(26.07.2021) 4P 3C