



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.01.2022

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.19186 of 2021

A.V.Muthukrishnan

... Petitioner

Vs.

1.The Junior Engineer,
Distribution,
TANGEDCO,
Thovalai,
Kanyakumari District.

2.The Tahsildar,
Thovalai Taluk,
Kanyakumari District.

3.The President,
Thovalai Panchayat,
Kanyakumari District.

... Respondents

(R2 and R3 are impleaded vide Court order
dated 10.12.2021 in W.M.P(MD).No.18140
of 2021 in W.P.(MD).NO.19186 of 2021)

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to not to disconnect the petitioner dwelling house at No.14-37/A/1, Amman Kovil Street, Vadakoor, Thovalai, Kanyakumari District-629003 electric supply in service number:134381110.

For Petitioner	: Mr.M.Krishna Sreethar
For R1	: Mr.S.Deenadhayalan Standing Counsel
For R2 & R3	: Mr.D.Ghandiraj Special Government Pleader

ORDER

Heard the learned Counsel for the petitioner and Mr.S.Deenadhayalan learned Counsel for the first respondent and Mr.D.Ghandiraj, learned Special Government Pleader for the second and third respondents.



2.The writ petition has been filed in the nature of Mandamus, seeking a negative relief namely for a direction that the first respondent should not disconnect the electricity service connection of the petitioner herein.

3.The petitioner has constructed a house and which was assessed to tax by the third respondent panchayat. He had also obtained electricity service connection on 14.05.2020. It is stated that on 29.07.2021, the third respondent had cancelled the house tax assessment. Thereafter, the petitioner apprehends that the first respondent would also disconnect the electricity connection.

4.A direction is given, particularly, to the first respondent that they cannot disconnect the electricity connection except by due process of law. They should issue notice to the petitioner. They should hear the petitioner. They should examine the documents of the petitioner. Only thereafter can they come to a conclusion with respect to the existing electricity connection of the petitioner herein.

5.It is also seen that the first respondent/TANGEDCO is an independent corporation established by the Government of Tamil Nadu and need not rely on any decision taken by a panchayat. Therefore, the first respondent may examine the case of the petitioner independently and if they are bound to grant electricity connection they may continue to do so. The electricity connection may be disconnected only for any violation of the electricity rules.

6.A Mandamus is therefore issued to the first respondent to proceed in manner known to law with respect to the electricity connection of the house of the petitioner herein.

7.With the above observation, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS I)

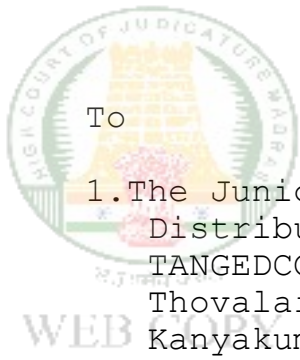
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/ /2022

Sub Assistant Registrar(CS)

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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.



To

1.The Junior Engineer,
Distribution,
TANGEDCO,
Thovalai,
Kanyakumari District.

2.The Tahsildar,
Thovalai Taluk,
Kanyakumari District.

3.The President,
Thovalai Panchayat,
Kanyakumari District.

W.P (MD) .No.19186 of 2021
11.01.2022

MGJ(14.02.2022) 3P 4C