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W.P.No.7575 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2023

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

W.P.No.7575 of 2023

S.Palaniswamy

... Petitioner

Vs.

The Executive Engineer,
Tamil Nadu Electricity Board,
Sathyamangalam,
Erode District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to issue the electricity service as per the records or alternatively, direct the respondent to decide the representation dated 14.07.2022 submitted by the petitioner expeditiously in a time bound manner in Survey No.130/2, Hassanur Village, Erode.

For Petitioner : Mr.N.Chinnaraj

For Respondent : Mr.I.Syed Sibghatulla
Standing Counsel



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ORDER

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This Writ Petition has been filed seeking for a Writ of Mandamus, to direct the respondent to issue the electricity service as per the records or alternatively, to direct the respondent to decide the representation dated 14.07.2022 submitted by the petitioner expeditiously in a time bound manner in Survey No.130/2, Hassanur Village, Erode.

2.The case of the petitioner is that the petitioner is a resident of Hassanur Village and doing agriculture in the land owned by him in S.F.Nos.129/3, 4, 5, 130/1, 2 and 132/3, 4. Initially, the electricity service connection for the entire land was given in the name of the petitioner's father, subsequently, it was transferred in the name of the petitioner. The electricity service connection was granted in S.F.No.130/2, however, the same was wrongly given in S.F.No.129/4. Thereafter, on 03.01.2022, the Electricity Board had issued a show cause notice to the petitioner and on 18.04.2022, the said connection was disconnected by the Electricity Board. Therefore, the petitioner has made a representation before the respondent on 14.07.2022 requesting to transfer the electricity service connection from S.F.No.129/4 to S.F.No.130/2. However, the same was



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not considered till date. Hence, the present writ petition is filed before this Court seeking for appropriate directions.

3.The learned counsel for the petitioner would submit that, this Court may issue a direction to the respondent to consider the petitioner's representation dated 14.07.2022 and pass appropriate orders, within the time frame that may be fixed by this Court.

4.The learned Standing Counsel appearing for the respondent-Electricity Board would submit that, the electricity service connection was originally granted in favour of the petitioner's father in S.F.No.129/4. However, a field inspection was conducted by the Electricity Board, in which, it was found that the land in S.F.Nos.130/2 and 129/4 were converted as house sites and based on the field inspection, the service connection already given in S.F.No.129/4 was disconnected on 13.12.2022. He would also submit that, without challenging the disconnection of electricity service connection, filing this writ petition is not sustainable. Hence, he prayed for dismissal of this writ petition.



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5.Heard learned counsel for the petitioner and the learned Standing Counsel appearing for the respondent and perused the materials available on record.

6.It is not in dispute that admittedly, the petitioner has obtained free electricity service connection in the name of his father. Though the service connection was granted in the name of the petitioner's father, it was subsequently transferred in the name of the petitioner's daughter. However, the service connection was initially granted in S.F.No.129/4 and thereafter, the petitioner on his own shifted the electricity service connection to S.F.No.130/2. Now, he wants to restore the electricity service connection in S.F.No.129/4 and the same was not considered by the respondent.

7.As rightly pointed out by the learned Standing Counsel, once the service connection is given, unless the petitioner challenge the disconnection of the electricity service connection in the manner known to law, filing this writ petition under Article 226 of Constitution of India is not sustainable. Therefore, the writ petition is liable to be dismissed.



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8. Accordingly, the Writ Petition is dismissed. However, liberty is granted to the petitioner to challenge the disconnection of electricity service connection in the manner known to law. No Costs.

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Index : Yes / No

Speaking order / Nonspeaking order

Netrual Citation Case : Yes / No

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To

The Executive Engineer,
Tamil Nadu Electricity Board,
Sathyamangalam,
Erode District.



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M.DHANDAPANI, J.

sp

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