



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.12664 of 2015 AND
M.P.(MD)No.1 of 2015

Thamaraikannan

... Petitioner

Vs.

1. The Superintending Engineer,
Tiruchirappalli City Electricity
Distribution Circle,
Tamil Nadu Electricity
Generation & Distribution Corporation,
Tiruchirappalli.
2. The Executive Engineer,
Operation and Maintenance,
Tamil Nadu Electricity
Generation & Distribution Corporation
Srirangam,
Tiruchirappalli District.
3. The Assistant Electricity Engineer,
Operation and Maintenance,
Tamil Nadu Electricity Generation &
Distribution Corporation,
Samayapuram,
Tiruchirappalli.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the 3rd respondent proceedings



K.No.E.Me.Po/E.kal/Samaya/Ko.Kattu/A.No.91/15-16 dated 16.07.2015 and quash the same as illegal and forbearing the respondents from disconnecting the service connection No.268-009-1867 of the petitioner.

For Petitioner : Mr.S.Muthukrishnan

For Respondents : Mr.S.Deenadhayalan

* * *

ORDER

Heard the learned counsel on either side.

2. The petitioner is having a shop in the petition-mentioned place. He does not appear to be the title holder or owner. However, the petitioner claims to be in possession for more than 30 years. The fact remains that the electricity service connection was accorded and that he was enjoying the same. Since some complaints were received and connection was proposed to be cut off, the impugned communication was issued calling upon the petitioner to submit ownership documents. Challenging the same, the present writ petition came to be filed.



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3. When the writ petition was entertained, interim order was granted. As a result, till date the petitioner is enjoying service connection.

4. The learned Standing counsel appearing for TANGEDCO submitted that the impugned communication does not warrant any interference.

5. I carefully considered the rival contentions and went through the materials on record.

6. It is not as if the petitioner is seeking supply of electricity for first time. In that event, the respondents can stipulate fulfilment of the usual formalities. In this case, the respondents wanted or proposed to disconnect the supply of electricity. So long as the petitioner is enjoying subsisting electricity connection and he is paying electricity charges regularly, the question of disconnection of electricity does not arise. If the respondents have received any restraint order from the jurisdictional civil Court or any competent authority,



then the respondents can proceed to disconnect the service connection. No such prohibitory or mandatory order was received by the petitioner from any jurisdictional civil Court. Therefore, calling upon the petitioner to submit ownership documents does not arise at all. It is not the case of the respondents that the petitioner obtained service connection by misrepresentation. The communication impugned in this writ petition is set aside. This writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

11.09.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

PMU



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G.R.SWAMINATHAN,J.

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