



WEB COPY



W.P.No.21707 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.21707 of 2021

and

W.M.P.Nos.22887 and 22889 of 2021

K.Sreenivasan

...Petitioner

-Vs-

1. The Superintending Engineer,
TANGEDCO,
Trichy Road, Near Ponni Hospital,
Palladam.

2. The Executive Engineer,
TANGEDCO,
Power House Compound,
Udumalpet Road,
Palladam.

3. The Assistant Executive Engineer,
TANGEDCO, Operation and Maintenance,
Palladam Electricity Distribution Circle,
Palladam.

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 30.09.2021 in Letter No.O.M.F/P/N/PAL/K. Complaint/A.No.094/21-22 of the 3rd respondent and quash the same and consequently direct the respondents to restore the



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electricity service connection Nos.226-001-945, 946 and 947 at Lakshmi Audios Complex, Trichy Road, Palladam.

For Petitioner : M/s AL.Ganthimathi, Senior Counsel
for M/s SA.Kanmani

For Respondents : Mr.L.Jaivenkatesh
Standing Counsel

ORDER

This writ petition has been filed challenging the order dated 30.09.2021 passed by the third respondent, thereby ordered to disconnect the electricity service connection.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The land and building situated at Door No.123A, Lakshmi Audios Complex, Trichy Road, Palladam belong the petitioner's father and obtained electricity service connection. The petitioner's father died on 15.08.2012 leaving behind the petitioner's mother, the petitioner, petitioner's brother, petitioner's sister and grand mother. After demise of his father, the properties were taken care of by the Manager and other staffs. The rents were received by the family members. After construction, the electricity service connection was



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divided into three residential unit and applied for three service connections.

Accordingly, three service connections were obtained in the name of the deceased father. Thereafter, the electricity bills were also raised in the name of the deceased father.

4. While being so, the third respondent issued notice stating that the electricity service connections were obtained in the name of the petitioner's father by fraudulent means and as such, called for explanation from the petitioner. On receipt of the same, the petitioner submitted a detailed explanation submitting all the documents which were relevant for obtaining electricity service connections. However, without being satisfied with the explanation submitted by the petitioner, ordered to disconnect the electricity service connections.

5. In view of the interim order granted by this Court, the electricity service connections are not disconnected so far.

6. It is also seen from the counter filed by the first respondent that the petitioner obtained electricity service connection in the name of his deceased



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father. Therefore, the petitioner was served with a show cause notice and after submitting his explanation, ordered to disconnect the electricity service connection which was obtained in the name of the deceased father. Therefore, the petitioner was given opportunity to put forth his contentions before ordering disconnection of electricity service connection.

7. A perusal of records revealed that the petitioner had not obtained the electricity service connection by any fraudulent method. By mistake of his staffs, the application was submitted in the name of the deceased father of the petitioner. In fact, all the service connections were provided for the premises owned by the petitioner's father by submitting the required documents which were duly verified and thereafter, the electricity service connection was provided to the petitioner.

8. In view of the above, the impugned order cannot be sustained and is liable to be quashed. Accordingly, the order passed by the third respondent dated 30.09.2021 in Letter No.O.M.F/P/N/PAL/K. Complaint/A.No.094/21-22, is hereby quashed.



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9. The petitioner is directed to submit necessary documents to show that his father died and the petitioner is also one of the legal heirs, along with No Objection Certificate from other legal heirs, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the third respondent is directed to transfer the electricity service connection in the name of the applicant.

10. Accordingly, this writ petition is allowed. Consequently, connected Miscellaneous petitions are closed. There shall be no order as to costs.

22.04.2024

Internet: Yes
Index : Yes/No
Neutral Citation: Yes/No
Speaking/Non Speaking order
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G.K.ILANTHIRAIYAN. J,

mn

To

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