



W.P.(MD) No.7977 of 2018

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2024

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.7977 of 2018

M.Jeyaraman

... Petitioner

Vs.

1.The Executive Engineer,
Tamil Nadu (Electricity) Generation
and Distribution Corporation,
Manamadurai, Sivagangai.

2.The Assistant Engineer (Rural),
Tamil Nadu (Electricity) Generation
and Distribution Corporation,
Ilayangudi, Sivagangai District.

3.The Inspector of Police,
Ilayangudi Police Station,
Ilayangudi,
Sivagangai District.

4.Praba

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus forbearing the first and second respondents from providing re-connection to the service connection in S.C.No.05-441-018-256, which was involved in electrocution death case by misusing service and theft of energy and consequently directing the



W.P.(MD) No.7977 of 2018

first and second respondents to take necessary action under the Indian Electricity Act and its Rules.

For Petitioner : Mr.T.Vadivelan
For R1 & R2 : Mr.S.Deenadhayalan
Standing Counsel
For R3 : Mr.A.Albert James
Government Advocate (Crl. Side)
For R4 : Mr.S.Anand Chandrasekar

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus directing the first and second respondents not to give re-connection to the Service Connection No.05-441-018-256 to the fourth respondent.

2. It appears that the fourth respondent had leased out the property to one Kurusamy, who electrified the property using the electrical connection provided by the first and second respondents, TANGEDCO, resulting in the electrocution and subsequent death of the petitioner's father, Malairaj, on 02.05.2008.



W.P.(MD) No.7977 of 2018

3. Therefore, an FIR has also been registered in Crime No.109/2008 against the said Kurusamy for the offence punishable under Section 304 of IPC. It appears that a charge sheet was filed against the said Gurusamy for the offences under Section 304 of IPC read with Section 3(11)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 on the file of the PCR Court, Madurai.

4. It is the case of the petitioner that the said Gurusamy committed an offence by stealing electricity and using it to electrify the property, which resulted in the electrocution and subsequent death of the petitioner's father and therefore, no re-connection should be given to the fourth respondent.

5. In my view, the prayer for a direction to the TNGEDCO Department not to give re-connection to the Service Connection cannot be countenanced.

6. As far as the death of the petitioner's father is concerned, the matter is no *sub judice* before the jurisdictional Criminal Court. The petitioner at best can expect a proper prosecution by the State against



W.P.(MD) No.7977 of 2018

Gurusamy and the recovery of compensation from both the fourth respondent and the said Gurusamy.

7. Therefore, the petitioner cannot ask for a Mandamus to restrain the first and second respondents TANGEDCO from giving re-connection to the Service Connection to the fourth respondent merely because the power was used from the Service Connection given to the fourth respondent.

8. Accordingly, this Writ Petition stands dismissed with the above observations. No costs.

04.07.2024

Index: Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order

JEN

Copy To:

- 1.The Executive Engineer,
Tamil Nadu (Electricity) Generation and Distribution Corporation,
Manamadurai, Sivagangai.
- 2.The Assistant Engineer (Rural),
Tamil Nadu (Electricity) Generation and Distribution Corporation,
Ilayangudi, Sivagangai District.



W.P.(MD) No.7977 of 2018

3. The Inspector of Police,
Ilayangudi Police Station,
Ilayangudi,
Sivagangai District.



WEB COPY



W.P.(MD) No.7977 of 2018

C.SARAVANAN, J.

JEN

W.P.(MD) No.7977 of 2018

04.07.2024