



W.P.(MD) No.22011 of 2017

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

**W.P.(MD) No.22011 of 2017
and
W.M.P.(MD) Nos.18317 and 18318 of 2017**

K.Senthilvel

... Petitioner

/vs./

1.The District Collector,
Dindigul District,
Dindigul.

2.The Assistant Electrical Engineer,
TANGEDCO,
Ponnagaram,
Dindigul District.

3.The Block Development Officer,
Sirumalai Panchayat Board,
Dindigul East,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the Respondents resulting in the 2nd Respondent's impugned Notice dated



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20.11.2017 issued in Ka.No.O.Mi.pou/E & Pae/Ponnagaram/Kou.Thani/A.No. 171/17 and quash the same and forbearing the 2nd Respondent from disconnecting the EB service connection No.238-002-1137 which is issued on 29.08.2017 in respect of Survey No.247/6B situated at Sirumalai Pudur, Dindigul, East Taluk, Dindigul District.

For Petitioner : Mr.V.R.Venkatesan

For R1 & R3 : Mr.J.K.Jeyaseelan
Government Advocate

For R2 : Mr.S.Deenadhayalan
Standing Counsel

ORDER

This writ petition has been filed challenging the order passed by the second respondent dated 20.11.2017.

2. The case of the petitioner is that the petitioner had been granted electricity service connection for borewell, which he had installed for agricultural purpose on 29.08.2017. However, by issuance of show cause notice dated 20.11.2017 referring to the proceedings of the first respondent dated 27.10 2017, the second respondent had called upon the petitioner to show cause as to why the electricity service connection could not be disconnected.



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3. The learned counsel appearing for the petitioner would submit that even prior to the directions issued by the first respondent, the petitioner had been effected with electricity service connection and therefore, the letter issued by the first respondent can only be taken as prospective and not retrospective.

4. The learned standing counsel appearing for the second respondent would submit that since there was a direction of the first respondent, the present proceedings had been initiated against the petitioner. He further submit that electricity service connection is still alive, in view of the order of status quo granted by this Court.

5. Heard the learned counsel on either side and perused the materials placed before this Court.

6. Even from the impugned order, it is seen that the petitioner had been provided with electricity service connection as early as 29.08.2017. However, action was sought to be initiated based upon the communication issued by the first respondent dated 27.10.2017. It is the case of the petitioner that the petitioner



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obtained electricity service connection for his agricultural purpose. Since action is sought to be initiated on the service connection already provided, pursuant to the proceedings which came later, I am of the view that the proceedings of the first respondent dated 27.10.2017 cannot be put against the petitioner, as he had already been effected with the electricity service connection.

7. For the aforesaid reasons, the impugned notice dated 20.11.2017 is set aside and the Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Index : Yes / No
Internet : Yes / No
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19.12.2024

To

- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The Block Development Officer,
Sirumalai Panchayat Board,
Dindigul East,
Dindigul District.

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K.KUMARESH BABU, J.

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