



WEB COPY

W.P.No.13632 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.05.2024

CORAM

THE HON'BLE MR. JUSTICE N. SENTHILKUMAR

W.P. No. 13632 of 2024
and
W.M.P. No. 14791 of 2024

P. Devanadhan

... Petitioner

-VS-

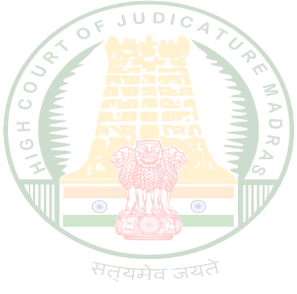
The Assistant Executive Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,
Sitharasur,
Cuddalore – 607 102.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the Impugned Proceeding of the Respondent bearing Proceeding No.க.எண். உ.செ.பொ/இப.சித்தரதூர்/கோ.கட்டு/அ.எண்.009/2024-25 dated 25/04/2024 and to quash the same and further issue necessary direction, forbearing the respondent from disconnecting the service connection bearing No.022-002-291.

For Petitioner : Mr. A. Prabhakaran

For Respondent : Mr. V. Venkateseshaiya
Standing Counsel



ORDER

The Writ petition filed challenging the Impugned Order passed by

the Respondent, dated 25.04.2024 vide Proceeding No.क.எண்.

உ.செ.பொ/இப.சித்தரதூர்/கோ.கட்டு/அ.எண்.009/2024-25.

2. The case of the writ petitioner is that he owns a land in Survey No.117/5 which was originally owned by his father late R. Pichandi and that he was continuously doing agriculture activities in the above said land. The petitioner was having service connection of 20 HP on the said land in Service Connection No.022-002-291. The petitioner's father has sold the property to one K.Vishwanathan on 08.04.2009 vide Document No.580/2009 on the file of the SRO, Kullanchavadi and since the property was sold, Service Connection was not transferred to the name of the vendor. After the demise of his father, the petitioner's brother namely Rajkumar had made a complaint before the Executive Engineer, Nellikuppam, TANGEDCO stating that a fraud has been committed in the above said service connection. On receipt of the complaint, the Executive Engineer, Nellikuppam TANGEDCO had conducted an enquiry on 14.02.2024, vide his proceedings he held that transfer of service connection in the name of the petitioner was made in strict



compliance of provisions of the Electricity Act.

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3. The learned counsel appearing for the petitioner submitted that the respondent, without taking into consideration the above said proceeding, had issued Show Cause Notice on 11.03.2024 herein vide Proceeding No.167/2023-24 alleging that the service connection has been transferred in violation of provision under Rule 126 of the Electricity Act.

4. The learned counsel appearing for the respondent would contend that Field Inspection was conducted on 11.03.2024 and it was found that service connection was transferred in lieu of the provisions of Rule 126 of the Electricity Act and that the respondent had passed an Order dated 25.04.2024 directing the petitioner to pay a sum of Rs.3,07,471/- within a period of 15 days from the date of Order.

5. Challenging the same, the writ petitioner has preferred the present writ petition.

6. The petitioner seriously disputes the said statement stating that he was not informed by the Authority concerned that the Field Inspection



was conducted and the Impugned Order was passed without giving an opportunity.

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7. It is not in dispute that the service connection of the petitioner's land is purely for agriculture purpose and this Court is inclined to pass an interim stay on condition that the petitioner shall deposit 20% of the amount claimed in the Impugned Order [20% of Rs.3,07,471/-] within a period of two weeks from the date of receipt of copy of this Order. The respondent is liberty to file their counter within a period of four weeks. The respondent is also directed not to disconnect the service connection if the petitioner complied with the conditional order within a specified period. There shall be an order of interim stay for a period of four weeks.

8. Post the matter on 12.06.2024, for filing counter.

15.05.2024

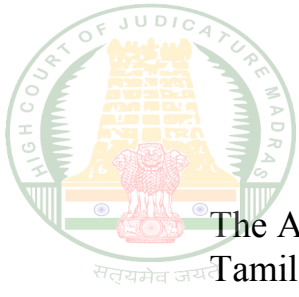
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Index : Yes/No

Speaking Order : Yes/No

Neutral Citation : Yes/No

To



W.P.No.13632 of 2024



The Assistant Executive Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,
Sitharapur,
Cuddalore – 607 102.

N.SENTHILKUMAR,J.,



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