

(2006) 02 MAD CK 0092

In the Madras High Court

Case No : Writ Petition No. 3932 of 2006 and W.P.M.P.No. 4183 of 2006

P.Visalakshi

APPELLANT

Vs

The Junior Engineer O and M, Tamil Nadu Electricity Board

RESPONDENT

Date of Decision : 23-02-2006

Acts Referred:

Citation : (2006) 3 MLJ 33

Hon'ble Judges : K. Mohan Ram, J

Bench : Single Bench

Advocate : T. Dhanyakumar, for the Appellant; N. Srinivasan, Government Advocate, for the Respondent

Final Decision : Allowed

Judgement

K. Mohan Ram, J.—Mr. N.Srinivasan, learned Government Advocate took notice on behalf of the respondent on 13.02.2006 and sought

time for getting instructions from the respondent. After getting instructions, learned counsel for the Electricity Board and the learned counsel for the petitioner agreed that the main writ petition itself may be disposed of.

2. The short facts of the case are as follows:

According to the petitioner, she is the owner of the land situated in Nanjai Survey No. 64/3 measuring 16 cents and 64/4 measuring 17 cents in

Agraharam Village, Gudiyatham Taluk, Vellore District. She has obtained a loan amount of Rs. 1,50,000/- in the year 2004 from the State Bank

of India, Sempalli for the purpose of starting a poultry farm under the PMRY scheme. Thereafter, she has put up all necessary sheds and building

to commence the poultry farm. The petitioner applied to the respondent for electricity service connection by enclosing all necessary documents

with the necessary fees. She has also installed all the electrical fittings for the building. It is the case of the petitioner that by proceedings dated

04.02.2006, the respondent has declined to give electricity connection and has asked her to pay a sum of Rs. 1,35,587/-, stated to be the amount

due from the father-in-law of the petitioner, namely, P.K.Munisamy, who owns a land in Survey No. 62/1 and having electricity service connection

No. 79 for irrigation purposes and Service Connection No. 157 under Tariff-V for commercial purposes. The petitioner has come to know that

the Electricity Board has initiated proceedings and has issued a demand notice dated 01.06.2002 to the father-in-law of the petitioner demanding a

sum of Rs. 1,35,587/-. A civil litigation is also pending in respect of the demand made on the petitioner's father-in-law.

3. A reading of the impugned order shows that the respondent has informed the petitioner that a sum of Rs. 1,35,587/- is due in respect of service

connection No. 157 and the petitioner, as the legal heir of the person in whose name S.C. No. 157 stands, cannot be given a new service

connection. When the matter came up for admission on 13.02.2006, Mr.N.Srinivasan learned counsel for the Electricity Board took notice and he

was asked to find out whether there is any provision in the relevant Act/Rules empowering the respondent to direct the petitioner to pay the

electricity charges payable by her father-in-law. Learned counsel for the Electricity Board after getting written instructions from the respondent,

submitted today that there is no provision in law empowering the respondent to make such a demand.

4. Since, there is no provision in law empowering the respondent to make such a demand, I am of the opinion that the impugned order is against

the settled principles of law. The petitioner as an individual is entitled to apply and get a separate Electricity Service Connection in her name, if she

satisfies the requirements of the relevant provisions of Electricity Laws. She cannot be termed as a legal heir of her father-in-law, when her

husband is alive. Admittedly, when there is no provision in the Electricity Act or in the Tamil Nadu Electricity Distribution Code empowering the

authorities of the Electricity Board to demand electricity consumption charges payable by another consumer, it is not open to the respondent herein

to call upon the person applying for a new service connection to pay the arrears of electricity consumption charges in respect of a service

connection standing in the name of any other member of the family. Therefore, the order issued by the respondent is erroneous, unsustainable and

against law and hence the same is liable to be set-aside and accordingly the impugned order is set-aside and the respondent is directed to provide

electricity service connection to the petitioner's land situated in Survey Nos.64/3 and 64/4, Agraharam Village, Gudiyatham Taluk, Vellore

District, if she satisfies the other legal requirements, within a period of four weeks from the date of receipt of a copy of this order.

5. With the above direction, the writ petition is allowed. No costs. Consequently, the connected W.P.M.P. No. 4183 of 2006 is closed.