



Public (CCMS) Department,
Secretariat, Chennai-9.

Circular No.5196/CCMS/2019-1, dated :12.02.2019

Sub: CCMS - Direction of Hon'ble High Court of Madras in W.P. No. 5 of 2019 and W.M.P No.5 of 2019 -To take necessary action on the attested copies of the orders received from the learned counsels/Law Officers without waiting for the certified High Court order by verifying in the Official website www.hcmadras.tn.nic.in- Instructions -Communicated -Reg.

Ref: From the Hon'ble High Court of Madras Order,dated 08.01.2019 in W.P.No.5 of 2019.

I am directed to invite your attention to the reference cited, wherein the High Court of Madras in its order in W.P. No. 5 of 2019 and W.M.P No.5 of 2019 has instructed among others to immediately implement the orders of the High Court in all court cases on receipt of certified copies of the order/judgement from the learned counsels/law Officers concerned, by verifying in the Official website of High Court www.hcmadras.tn.nic.in, without waiting for the certified copy of the judgements from the High Court, for implementation of the Hon'ble High Court orders within the stipulated time.

2. The observation of the Hon'ble High Court of Madras in its Order dated 08.01.2019 in Writ Petition No. 5/2019 is as follows:

"In this regard, the judgement/orders signed by the Hon'ble Judges shall be uploaded in the official websites of the Hon'ble High Court of Madras without causing any undue delay and at the earliest possible. The respective learned counsels appearing for the parties to the lis can download the orders/judgement copies from the official website of the Hon'ble High Court of Madras and the copy of the order shall be attested with the Name and Seal of the learned counsel on record along with the enrolment number and communicate the same to all the parties concerned for implementation of the orders/ Judgements of this Court. In the event of communicating any such orders/judgements downloaded and printed from the official website of Hon'ble High Court of Madras, the authorities concerned/competent are bound to receive the same and verify the authenticity of the copy of the order with the Official website of the Hon'ble High Court of Madras [in www.hcmadras.tn.nic.in.] and thereafter, initiate action for effective implementation without any further delay.

It is clarified that the authorities concerned cannot reject or refuse the printed copy of the downloaded orders/judgements communicated by the respective learned counsels. All concerned officials are directed to acknowledge all such order/Judgements and act accordingly. In the event of violation in this regard, the persons aggrieved are at liberty to approach the Court by filing an appropriate application for violation of the Court orders/judgements".

3. I am therefore to request you to follow the instructions of Hon'ble High Court of Madras in the said W.P. scrupulously and to instruct the concerned officials pertaining to your Department and Heads of Department under your control in this regard and to follow the Hon'ble High Court order in letter and spirit.

Yours faithfully,


12/2/19

for Chief Secretary to Government

To
All Additional Chief Secretary/Principal Secretary/
Secretary to Government,
Secretariat, Chennai-9.(w.e)
All Departments of Secretariat(OP/Estt), Chennai-9(w.e)
All Heads of Departments/District Collectors. (we)

Copy to:

The Registrar General, High Court of Madras, Chennai-104,
The Senior Private Secretary to Chief Secretary to Government,
Chennai-9(w.e)
The Private Secretary to Special Secretary (Public)
Public Department, Secretariat, Chennai-9.(w.e)
The Personal Assistant to Deputy Secretary,
(Law and Order/ Protocol/ Establishment/Law Officer),
Public Department, Secretariat, Chennai-9.(w.e)
All Under Secretaries to Government,
Public Department, Secretariat, Chennai – 9. (we)
(for information and taking necessary action)
Stock file/Spare Copy

Chief Secretary
103/CS/CC
- 6 FEB 2013

Govt. of Tamil Nadu

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2019

CORAM

THE HON'BLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.No.5 of 2019
and
W.M.P.No.5 of 2019

P.Gunasekara Senthil

.. Petitioner

VS

1. The Assistant Electricity Engineer,
(Operation and Maintenance)
Tamil Nadu Generation and Distribution Corporation
Limited (TANGEDCO)
Palayakottai, Kangeyam Taluk,
Kangeyam,
Tiruppur District.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to restore the agricultural electricity connection to the well bearing service connection No.526 (Kuttapalayam Distribution 001) situated in the petitioner's land in R.S.No.173/1 (old SF.No.794/1) to the extent of 3.25 acres in Kuttapalayam Village, Kangeyam Taluk, Tiruppur District without insisting the name change in patta bearing No.259 which stands in the name of the petitioner's deceased father namely Ponnusamy by considering the representation of the petitioner dated 26.10.2018 within the time fixed by this Hon'ble Court.

For Petitioner : Mr. I.C. Vasudevan

For Respondent : Mr. S.K. Raameshwar

ORDER

The relief sought for in this writ petition is for a direction to direct the respondent to restore the agricultural electricity connection to the well bearing service connection No.526 (Kuttapalayam Distribution 001) situated in the petitioner's land in R.S.No.173/1 (old SF.No.794/1) to the extent of 3.25 acres in Kuttapalayam Village, Kangeyam Taluk, Tiruppur District without insisting the name change in patta

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bearing No.259, which stands in the name of the petitioner's deceased father namely Ponnusamy by considering the representation of the petitioner dated 26.10.2018.

2.The learned counsel appearing on behalf of the writ petitioner states that his father Mr.Ponnusamy purchased the land in R.S.No.173/1(old SF.No.794/1) to the extent of 3.25 acres and in R.S.No.173/3 (Old SF No.794/3) to the extent of 2.45 acres and in total extent of 5.70 acres in Kuttapalayam Village, Kangeyam Taluk, Tiruppur District. The petitioner inherited the property from his father and doing agricultural activities in the said land. The writ petitioner is enjoying the electricity service connection for agricultural purposes at free of cost.

3.The grievances of the writ petitioner is that on account of the Act of the respondent, he is unable to utilize the electricity power supply for the purpose of irrigation, more specifically, to operate the Motor Pumps in the Borewell / Well.

4.The learned counsel appearing on behalf of the writ petitioner states that it is the duty of the authorities as per the Tamil Nadu Electricity Board Regulations that the Electric power supply must be provided till the end of the Meter Box / fuse carrier, which is installed in the Meter Box and thereafter, it is the look after of the consumers to use the Electricity as per the terms and conditions stipulated in the Tamil Nadu Electricity Supply Code.

5.The learned counsel for the writ petitioner states that as of now, the electricity has not been provided upto the Meter Box / fuse carrier, so that the writ petitioner is unable to utilize the electricity service connection for the purpose of his irrigation.

6.The learned counsel appearing on behalf of the respondent submitted the copy of the written instructions given by the Assistant Engineer, O & M/PEDC, Palayakottai dated 04.01.2019. It is stated that the service connection No.078-001-526 is in the name of Thiru.Ponnusamy under Tariff IV. In the above service, the three phase supply is available upto the meter box, the connection point. As per TNERC norms, the consumer shall run his wiring from the connection point. Hence, consumer may avail supply from the above point of supply at any time.

7.Thus, the point raised by the writ petitioner has not been disputed in respect of providing the electricity power supply upto the Meter Box. This being the submission made on behalf of the respondent, this Court is of an opinion that the

respondents are bound to ensure once again and verify the service connection and accordingly, provide the electricity supply upto the Meter Box / fuse carrier, enabling the writ petitioner to use the electricity as per the terms and conditions of the Tamil Nadu Electricity Supply Code. The respondents are directed to ensure that the power supply reaches upto the Meter Box / fuse carrier in respect of the connection provided to the writ petitioner within a period of one week and thereafter, it is for the writ petitioner to utilize the electricity service connection for irrigation purposes as per the terms and conditions.

8. This apart, the learned counsel for the writ petitioner across the Bar made a submission that the copy of the orders / judgments are supplied belatedly to the petitioners and to the respondents, by the Registry, High Court. Such complaints are frequently received from the members of the Bar, more specifically, when certain urgent orders / judgments are passed. The Registry is preparing and issuing the certified copy of the orders / judgments and on account of delay, the orders / judgments are unable to be implemented in time inspite of the directions issued by the Court. The general complaint at large by the members of the Bar are that there is an enormous delay in issuing the certified copy of the orders / judgments by the Registry of the Hon'ble High Court of Madras.]

9. The fact regarding the large number of pendency of cases before the Courts cannot be brushed aside. It may be practically difficult for the Registry, High Court to issue the certified copy of the orders / judgments in all cases within a short span of time. However, the Registry has the option to segregate the orders / judgments based on the urgency and considering the nature of the orders and accordingly, issue the certified copy of the orders to avoid inconvenience both to the litigants as well as to the learned counsels appearing for the parties. This is one way of minimizing the problem. However, the same may not be sufficient to fulfill the requirements of the litigants and the learned counsels appearing for the parties. Thus, it is necessary to provide an alternate mechanism, which is very much available within the domain of the Hon'ble High Court. Soon after the original copy of the judgments / orders are signed by the respective Hon'ble Judges, the said orders / judgments are being uploaded in the official website of the Hon'ble High Court of Madras in www.hcmadras.tn.nic.in. Once the judgments / orders are uploaded in the official website of the Hon'ble High Court of Madras, the same are made available for all in the public domain. The orders / judgments can be downloaded by the respective parties or by any other person.

10. It is needless to state that even the Government orders / instructions are now uploaded in the Government official website, enabling the Subordinate officials and the public at large to download such orders and act accordingly or to utilize the same for their benefit. This being the practice already in force, more specifically, for a considerable length of time, such a procedure shall be adopted in respect of the orders / judgments passed by the High Court also.

11. In this regard, the judgments / orders signed by the Hon'ble Judges, shall be uploaded in the official website of the Hon'ble High Court of Madras without causing any undue delay and at the earliest possible. The respective learned counsels appearing for the parties to the lis can download the orders / judgment copies from the official website of the Hon'ble High Court of Madras and the copy of the order shall be attested with the Name and Seal of the learned counsel on record along with the enrollment number and communicate the same to all the parties concerned for implementation of the orders / judgments of this Court. In the event of communicating any such orders / judgments downloaded and printed from the official website of the Hon'ble High Court of Madras, the authorities concerned / competent are bound to receive the same and verify the authenticity of the copy of the order with the official website of the Hon'ble High Court of Madras and thereafter, initiate action for effective implementation without any further delay.

12. It is clarified that the authorities concerned cannot reject or refuse the printed copy of the downloaded orders / judgments communicated by the respective learned counsels. All concerned officials are directed to acknowledge all such orders / judgments and act accordingly. In the event of any violation in this regard, the persons aggrieved are at liberty to approach the Court by filing an appropriate application for violation of the Court orders / judgments.

13. In this view of the matter, the Registry, High Court of Madras also shall ensure that the orders / judgments signed by the Hon'ble Judges shall be uploaded in the official website immediately and without any delay.

14. The copy of this order is directed to be communicated to the Chief Secretary to Government of Tamil Nadu, Fort St. George, Chennai - 600 009, who in turn is directed to issue a circular to all the Departments / Subordinate officials to ensure that the attested downloaded order / judgment copies received by them shall be responded properly and the officials concerned shall act based on the attested copies by verifying the same with the official website of the Hon'ble High Court of Madras in www.hcmadras.tn.nic.in

15. The Registrar General, High Court of Madras is also directed to issue a circular / suitable instructions to all the Subordinate Courts and the officials to follow the said procedure in respect of the orders / judgments passed by the Hon'ble High Court of Madras.

16. Thus, the Chief Secretary to Government, State of Tamil Nadu, Fort St. George, Chennai - 600 009 and the Registrar General, High Court of Madras are directed to issue such consolidated instructions / circulars to all concerned within a period of four weeks from the date of receipt of a copy of this order.

17. With these directions, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Post this matter "For Reporting Compliance" on 14.02.2019

Sd/-
Assistant Registrar (CS VIII)

//True Copy//

[Signature]
Sub Assistant Registrar 4/2/19

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To

1. The Assistant Electricity Engineer,
(Operation and Maintenance)
Tamil Nadu Generation and Distribution Corporation
Limited (TANGEDCO)

Palayakottai, Kangeyam Taluk,
Kangeyam, Tiruppur District.

2. The Chief Secretary to Government,
State of Tamil Nadu,
Fort St. George, Chennai - 600 009.

3. The Registrar General,
High Court, Madras.

EM (CO)
CSL/04.02.2019

W.P.No.5 of 2019