



W.A.No.2255 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

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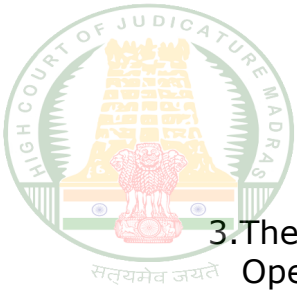
S.Prakash
S/o.Pottada Suppaboyan
S.F.No.297/6B1D, Pudukothukadu,
Pottada Suppaboyan Thottam,
Puthikalaiyanur - Village,
Sathyamangalam Taluk,
Erode District - 638 401.

Appellant

Vs

1.The Superintending Engineer
Tamil Nadu Generation and
Distribution Corporation Limited,
(TANGEDCO),
Gobichettipalayam,
Erode District.

2.The Executive Engineer
Operation and Maintenance,
Tamil Nadu Generation and
Distribution Corporation Limited,
(TANGEDCO),
Sathyamangalam,
Erode District.



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3.The Assistant Electrical Engineer
Operation and Maintenance,
Tamil Nadu Generation and
Distribution Corporation Limited,
(TANGEDCO),
Arasur Division, Erode District.

4.S.Raman
S/o.Pottada Suppaboyan
Pudukothukadu,
Pottada Suppaboyan Thottam,
Puthukalaiyanur - Village,
Sathyamangalam Taluk,
Erode District.

5.S.Chidambaram
S/o.Pottada Suppaboyan
Pudukothukadu,
Pottada Suppaboyan Thottam,
Puthukalaiyanur - Village,
Sathyamangalam Taluk,
Erode District.

6.Manokaran
S/o.Pottada Suppaboyan
Pudukothukadu,
Pottada Suppaboyan Thottam,
Puthukalaiyanur - Village,
Sathyamangalam Taluk,
Erode District.

Respondents

PRAYER: Appeal filed under Clause 15 of the Letters Patent to set aside the order passed by the learned Single Judge in W.P.No.9285 of 2026, dated 16.03.2026.

For Appellant: Mr.P.Pandiyaraj

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For Respondents: Mr.I.Syed Sibghatulla
for R1 to R3

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

This writ appeal filed under Clause 15 of the Letters Patent assails the order dated 16.03.2026 passed in W.P.No.9285 of 2026, whereby the learned Single Judge disposed of the writ petition with certain directions.

2. The appellant/writ petitioner had filed the writ petition seeking to quash the order dated 21.2.2026 passed by the third respondent and to direct the third respondent to provide temporary electricity service connection to the appellant's house pursuant to the application dated 7.2.2026. The learned Single Judge disposed of the writ petition by passing the following order:

"7. As rightly pointed out by the learned counsel for either side, if the co-owner refuses to give consent, the respondents shall receive indemnity bond, however, in the instant case, no material is placed as to the planning permission approval from the concerned



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authority. It is made clear that if the petitioner obtains planning permission from the concerned authority and obtain NOC or refusal certificate from the private respondents, he can very well make a fresh application seeking for electricity connection and the official respondents shall consider the application and pass appropriate orders on merits and in accordance with law within a period four weeks thereafter."

3. Learned counsel for the appellant submitted that the order of the learned Single Judge is erroneous and the reasoning given by the learned Single Judge is incorrect because the third respondent, while rejecting the appellant's application, stated that appellant should produce either the original sale deed or death certificate, legal heir certificate of the owner of the property or NOC from other legal heirs or building planning approval from the competent authority.

4. Learned counsel for the appellant further submitted that the learned Single Judge ought to have seen that under Clause 27(2)(4) of the Tamil Nadu Electricity Distribution Code if the other co-owners refuse to give consent for getting electricity connection, the respondent authority receiving indemnity bond from the appellant shall provide electricity connection.



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5. Learned counsel for respondents 1 to 3 fairly stated that Form-2 of Appendix-III has been substituted through an amendment to the Tamil Nadu Electricity Distribution Code, gazetted on 05.08.2020, which admittedly dispenses with the requirement of a consent letter from other co-owners. In the absence of a consent letter/NOC from other legal heirs/co-owners, it would be sufficient for the applicant seeking electricity service connection to execute an indemnity bond in lieu of consent.

6. We have considered the submissions raised by learned counsel for the parties and perused the materials available on record.

7. When the provisions of amended Code prescribe execution of an indemnity bond by a legal heir in lieu of the consent letter/NOC from the other legal heirs, admittedly, the appellant being a legal heir of Pottada Suppaboyan having become the owner by inheritance, is eligible to avail the service connection by executing an indemnity bond.

8. We are of the view that the learned Single Judge erred in



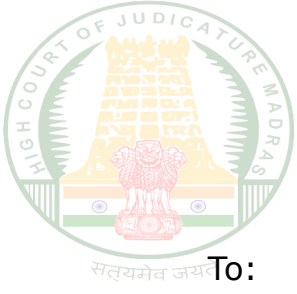
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coming to the conclusion that if the appellant obtains planning permission from the concerned authority and obtains NOC or refusal certificate from respondents 4 to 6 and makes a fresh application, then the official respondents shall consider the application. The aforesaid conclusion arrived at by the learned Single Judge cannot be countenanced. In view of the aforesaid, the order of the learned Single Judge is set aside and the appeal is allowed. There shall be no order as to costs.

9. The appellant shall make a fresh application for electricity service connection and, upon receipt of the application, the respondent Electricity Board shall consider the same in the light of the order passed by this Court and after obtaining indemnity bond effect service connection to the appellant, in accordance with law, as expeditiously as possible.

(SUSHRUT ARVIND DHARMADHIKARI, CJ) (G.ARUL MURUGAN,J)
31.07.2026

Index : Yes/No
Neutral Citation : Yes/No
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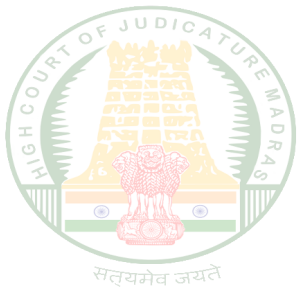


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To:

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