



W.A.No.3352 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.No.3352 of 2025

AND

C.M.P.No.27343 of 2025

1.The Chairman
Consumer Grievance Redressal Forum
Udumalapet Electricity Distribution Circle
Udumalapet 642 126, Tiruppur District

2.The Executive Engineer, TANGEDCO
Udumalapet Electricity Distribution Circle
Udumalapet 642 126, Tiruppur District

Appellant(s)

Vs

1.K Nagaraj
S/o.Late Kuppusamy
Keelapuram, Bus Stop
No.5/129B, Anna Nagar
Poolavadi, Udumalpet Taluk
Tiruppur District 642 206

2.The Electricity Ombudsman
4th Floor, SIDCO Office Building
Thiru.Ve.Ka Industrial Estate
Guindy, Chennai 600 032

Respondent(s)

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PRAYER: Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 29.08.2025 passed by the learned Single Judge in W.P.No.749 of 2025.

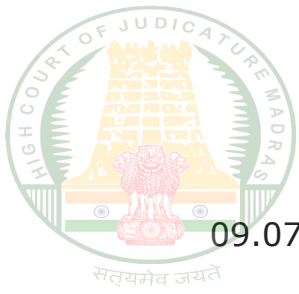
For Appellant(s) : Mr. L.Jaivenkatesh
For Respondent(s) : Mr. V.Elangovan for R1

JUDGMENT

(Delivered by G.ARUL MURUGAN, J.)

The present writ appeal is filed questioning the legality of the order dated 29.08.2025 passed by the learned Single Judge in W.P.No.749 of 2025, whereby the order of the second respondent, viz., the Electricity Ombudsman, dated 23.09.2024, confirming the rejection order of Consumer Grievance Redressal Forum dated 20.05.2024, was quashed and the appellants were directed to provide agricultural electricity service connection to the first respondent/writ petitioner.

2. The brief facts are that the first respondent's father, Kuppusamy, was the owner of the agricultural land with a well in survey No.27/1, Poolavadi Village and Taluk. He had preferred an application seeking a free agricultural electricity service connection. After inspection, the application was received and registered on



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09.07.2009 and the service connection is to be effected in accordance with the seniority of the applications registered.

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3. As Kuppusamy was unable to look after the agricultural operations, he executed a lease deed in favor of his son/first respondent on 05.07.1999, based on which the first respondent got himself registered as a cultivating tenant, by virtue of an order passed by the Tahsildar dated 21.01.2019. Following the demise of Kuppusamy on 31.05.2014 and in view of the delay in effecting service connection, the first respondent earlier approached this Court in W.P.No.3171 of 2021, which came to be disposed of on 08.07.2021, with a direction to the first respondent to approach the authorities concerned by placing relevant materials, including the legal heirship certificate, to secure free electricity service connection for the land.

4. In compliance with the said order, the first respondent submitted the required documents on 15.04.2024. However, the first appellant rejected the application on 20.05.2024 on the grounds that the first respondent is not the owner of the property and is only a lessee, who will not be entitled for a service connection under the Tamil Nadu Electricity Distribution Code, 2004, and that there are

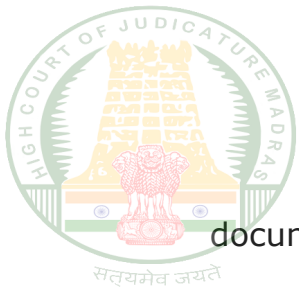


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other legal heirs who have not furnished a No Objection Certificate (NOC), for which an indemnity bond was required to be executed. The appeal filed to the second respondent also came to be dismissed on 23.09.2024, challenging which, the writ petition came to be filed.

5. The learned single Judge allowed the writ petition by placing reliance on the order dated 25.01.2023 passed in W.P.(MD).No.2191 of 2021, wherein the authorities were directed to provide service connection to the person recorded as a cultivating tenant. The learned Judge further observed that since the first respondent holds a dual role, both as a cultivating tenant and as a legal heir of the landowner, he is entitled to the service connection, and it was sufficient to submit an indemnity bond in lieu of consent from the other legal heirs, as stipulated in Form 2 of Appendix III, by virtue of the amendment to the Tamil Nadu Electricity Distribution Code notified on 16.07.2020 and published in Gazette on 05.08.2020. Assailing the said impugned order, TANGEDCO is before this Court on appeal.

6. Mr.L.Jaivenkatesh, learned counsel appearing for the appellant/Board, while admitting that the first respondent is the son of the original applicant/land owner Kuppusamy and that the relevant



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documents, including the legal heirship certificate, have been submitted, contended that in the absence of any registered document like settlement deed or partition deed, the first respondent cannot be construed as the owner of the property and, therefore, he will not be entitled to electricity service connection as per the provisions of the Tamil Nadu Electricity Distribution Code.

7. The learned counsel further submitted that there are other legal heirs who have not given NOC for the grant of electricity service connection, and that the question of executing an indemnity bond arises only if the first respondent is the owner of the property. The learned counsel further contended that the Tamil Nadu Electricity Distribution Code does not permit the issuance of electricity service connection to a cultivating tenant and, therefore, the order passed by the writ Court is erroneous and seeks interference of this Court.

8. Per contra, Mr.V.Elangovan, learned counsel appearing for the first respondent/caveator, submitted that the first respondent is both a legal heir of the land owner Kuppusamy and also the registered cultivating tenant and on both grounds, he is entitled to avail the service connection. He further submitted that under the amendment



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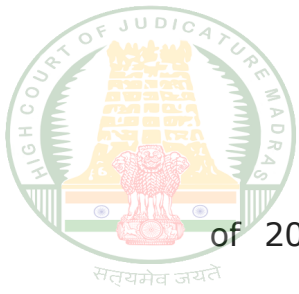
made to the Tamil Nadu Electricity Distribution Code, as per the substituted Form-2 of Appendix-III, an indemnity bond would suffice in the place of a consent letter from the co-owners and the learned single Judge, after rightly placing reliance on the relevant factual and legal aspects, allowed the writ petition which is perfectly justified.

9. Heard the rival submissions and considered the materials available on record.

10. The first respondent's father Kuppusamy was the owner of agricultural land in survey No.27/1. The application submitted by Kuppusamy for agricultural electricity service connection was registered on 09.07.2009 and was kept pending according to seniority. A lease deed came to be executed by the said Kuppuswamy in favour of the first respondent on 05.07.1999, and based on the same, after the demise of his father on 31.05.2014, the first respondent got himself registered as a cultivating tenant from the competent authority, the Tahsildar, vide proceedings dated 21.01.2019.

11. As there was delay in issuance of electricity service connection, the first respondent approached this Court in W.P.No.3171

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of 2021, which came to be disposed of on 08.07.2021 with the following directions:

"3. In the light of the aforesaid submission made by the learned counsel appearing for the respondent Board, the petitioner is directed to approach the authorities concerned by placing relevant materials or documents including legal heir certificate from the Tahsildar for providing free electricity service connection to the petitioner's land."

12. It is not in dispute that in compliance with the order, the first respondent had submitted all the required documents along with the legal heirship certificate for effecting electricity service connection to the land. However, the application came to be rejected stating that the Electricity Code does not provide for giving a service connection to a lessee/cultivating tenant, and when the first respondent is not the owner, the question of executing an indemnity bond in lieu of a NOC from the other legal heirs does not arise.

13. The first respondent is not only a registered cultivating tenant, but he is admittedly a legal heir/son of the original landowner/applicant, Kuppusamy. The first respondent holds a dual role, one as a legal heir and other as a cultivating tenant. By relying on the similar



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order passed, where the Board was directed to extend a service connection to a cultivating tenant and by observing that the first respondent is also a legal heir, the learned single Judge allowed the writ petition.

14. The main contention of the learned counsel for the appellant/ Board is that since the Electricity Code does not provide for granting a service connection to a cultivating tenant, and in the absence of any registered instrument like partition deed or settlement deed, the first respondent cannot be construed as an owner and, therefore, he is not entitled to agricultural electricity service connection.

15. The contention of the Board's counsel is liable to be outrightly rejected for the simple reason that if the original owner of the property Kuppusamy had died intestate, then the property would automatically devolve upon his legal heirs by inheritance, and the legal heirs would succeed to the property either under Section 6 or Section 8 of the Hindu Succession Act, as the case may be. It is not that only if an instrument is executed by the owner, during his life time the property gets transferred after his death. Since the original land owner Kuppusamy died intestate, admittedly, the first respondent



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being his legal heir/son succeeds to his estate and becomes owner of the property along with the other legal heirs.

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16. The application form for agricultural service connection, which was substituted by Form-2 of Appendix-III through an amendment to the Tamil Nadu Electricity Distribution Code gazetted on 05.08.2020, admittedly dispenses with the requirement of a consent letter from other co-owners. In the absence of a consent letter/NOC from the 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.

17. When the provisions of the 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 first respondent being a legal heir of Kuppusamy having become the owner by inheritance, is eligible to avail the service connection by executing an indemnity bond.

18. The learned Single Judge, after properly considering both the legal and factual aspects, rightly concluded that the first



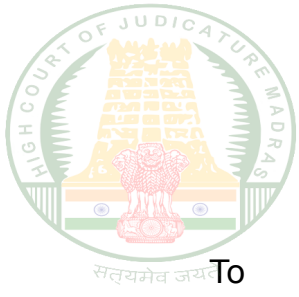
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respondent being a legal heir of the original applicant Kuppusamy, and being a co-owner of the property, is eligible to avail the electricity service connection by executing an indemnity bond in lieu of consent.

19. We, therefore, find no infirmity or error in the findings arrived at by the learned single Judge warranting interference. Accordingly, the writ appeal stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

(SUSHRUT ARVIND DHARMADHIKARI, CJ) (G.ARUL MURUGAN,J)
16.07.2026

Index : Yes/No
Neutral Citation : Yes/No
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To
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THE HON'BLE CHIEF JUSTICE
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