

IN THE HIGH COURT OF JUDICATURE AT MADRAS

CAV ON:22.12.2014

DATED:12.08.2015

CORAM

THE HONOURABLE MR.JUSTICE C.S.KARNAN

W.P.No.9407 of 2014

Kanniyappa Udayar

... Petitioner

Vs.

1.The Chairman,
Tamil Nadu Electricity Board,
No.800, Anna Salai, Chennai - 600 002.

2.The Junior Engineer,
Tamil Nadu Electricity Board,
Execution and Maintenance /West,
Distribution Department,
Maduranthakam,
Kancheepuram District - 603 308.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for records in Ka.En:E.Po/E&Pa/Mey/Madurantakam/Ko.Kattu/Ka.En 92/2013, dated 18.11.2013, on the file of the second respondent and quash the same and issue direction directing the second respondent to provide electricity service connection to the petitioner property in S.No.144, Thandarai, No.51, Puducherry Village, Perumbakkam Post, Maduranthakam Taluk, Kancheepuram District.

For Petitioner : Mr.V.Chandrakanthan

For Respondents : Mr.P.Gunaraj
(Standing Counsel for EB
for R1 and R2)

O R D E R

The petitioner submits that he is residing in the above address and he is the absolute owner of the vacant land to an extent of 0.11.0 acres, comprised in S.No.144, Grama Natham, 51-Puducherry Village, Maduranthakam Taluk, Kancheepuram District. He submits that he constructed a house in an extent of 0.01.0 acres and living along with his family members in the above said house.

2. The petitioner submits that on 08.10.2013, he requested the second respondent to provide electricity service connection to his house. The second respondent requested him to produce indemnity bond in a stamp paper certificate from Village Administrative Officer stating that he is the owner of the property, the property tax receipt to enable him to grant electricity connection to his house.

3. The petitioner submits that as per the direction of the second respondent and he has submitted all the documents requested by him on 08.10.2013. He submits that the respondent instead of providing electricity connection to him as per his request dated 16.09.2013, the 2nd respondent simply sent a letter in Ka.En:E.Po/E and Pa/Mey/Madurantakam/Ko.Kattu/Ka.En 92/2013, dated 18.11.2013 stating that they have received objection to grant electricity service connection to his house. He submits that the second respondent requested him to settle the dispute to enable them to grant electricity service connection. He submits that the letter dated 18.11.2013, sent by the second respondent is illegal and contrary to law and facts.

4. The petitioner submits that he is residing in his property along with his family members without any electricity connection for the past several years. He further submits that he is entitled Electricity service connection as per the Tamil Nadu Electricity Law and under the sections of the terms and conditions of supply of Electricity of Tamil Nadu Electricity Board.

5. The petitioner submits that he has requested the second respondent that without any electricity connection, they are suffering untold hardship and misery. He submits as directed by the 2nd respondent he has already submitted the indemnity bond and other documents to enable the 2nd respondent to provide electricity connection. However, the 2nd respondent without providing electricity service connection, simply sent him a letter dated 18.11.2004 stating he had to settle the objections made by third parties to enable him to obtain electricity service connection. He respectfully submits

that the said letter dated 18.11.2013 is illegal and unjust.

6. The highly competent counsel, Mr.V.Chandrakanthan, appearing for the petitioner submits that the respondent, without conducting any comprehensive enquiry regarding the objection made by the third parties had rejected the petitioner's application. The learned counsel further submits that the petitioner has constructed a pacca house in S.No.144, situated at Puducheri Village, Madurantagam Taluk, after constructing a house, the petitioner and his family members are residing therein without electricity supply, through the electricity is a basic amenity.

7. The very competent counsel, Mr.P.Gunaraj, appearing for the respondents submits that one Pandian had made a complaint stating that he has also constructed a house nearby the petitioner's house and that if the electricity service connection is provided to the petitioner, the electricity supply lines will pass over his house and it will cause inconvenience to him. Further, the petitioner's son had obtained one light service connection, which is opposite to the objectors i.e., Pandians house. Hence, the respondent had rejected the petitioner's application.

8. On considering the facts and circumstances of the case and arguments advanced by the learned counsel on either side and on perusing the typed set of papers, this Court is of the view that the respondent, without conducting any enquiry in the presence of the petitioner and the Objector i.e., one Mr.Pandian, had rejected the petitioner application, in an arbitrary manner. Further, the electricity service connection is a basic amenity. The petitioner has constructed a house and is remitting property tax to the statutory authorities. The Village Administrative Officer had also certified that the petitioner had constructed the house over the said land. Considering this aspect, this Court directs the respondents to provide new electricity service connection to the petitioner's house, situated in Survey No.144, Thandarai, No.51, Puducheri Village, Perumbakkam, Madurantagam Taluk, within a period of eight weeks from the date of receipt of a copy of this order, after receiving necessary application and mandatory fees from the petitioner. Hence, the above writ petition is allowed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The Chairman,
Tamil Nadu Electricity Board,
No.800, Anna Salai, Chennai - 600 002.

2.The Junior Engineer,
Tamil Nadu Electricity Board,
Execution and Maintenance /West,
Distribution Department,
Maduranthakam,
Kancheepuram District - 603 308.

+lcc to Mr.P.Gunaraj, Advocate, S.R.No.42375

+lcc to M/s.V.Chandrakanthan, Advocate, S.R.No.42968

W.P.No.9407 of 2014

PPA (CO)
CA (24/09/2015)



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