

IN THE HIGH COURT OF JUDICATURE AT MADRAS

CAV ON 27/11/2014

DATED: 18/08/2015

CORAM

THE HONOURABLE MR.JUSTICE C.S.KARNAN

W.P.No.18676 of 2014

K.Jayaraman

... Petitioner

Vs.

1.The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation,
Chengalpet Electricity Distribution Circle
Chengalpet.

2.The Executive Engineer,
Sriperumpudur,
Kancheepuram District.

3.The Assistant Executive Engineer,
Thirunindravur,
Thiruvallur District.

4.The Assistant Engineer,
Sevapet,
Thiruvallur District.

...

Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for a Writ of Mandamus to direct the fourth respondent to provide Commercial Electricity Connection to the petitioner's shop situated at No.2/49, CTH Road, Veppampattu, Thiruvallur Taluk and District.

For Petitioner : Mr.M.Rajendiran
For Respondents : Mr.P.Gunaraj

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O R D E R

The petitioner has filed the above writ petition for a direction to the fourth respondent to provide Commercial Electricity Connection to the petitioner's shop situated at No.2/49, CTH Road,

Veppampattu, Thiruvallur Taluk and District. The petitioner submits that he is residing in the above address for more than two decades. He has possessed the ration card, EB card, voter ID and house tax receipts to that effect. His house is admeasuring about 2 cents and the entire family along with his children have been residing in the premises. Apart from this, he has two cents adjoining to his house facing to street side. He has set up a shop for his survival. The petitioner further submits that he made application to the fourth respondent seeking for commercial electricity connection to his shop. The fourth respondent also received the application on receipt of prescribed charges payable to Tamil Nadu Generation and Distribution Corporation. He has furnished the required documents like property tax receipts, ration card, along with the application. He had also furnished the copy of the existing domestic connection card along with application.

2. The petitioner further submits that after completion of the formalities, he was eagerly awaiting for the commercial electricity connection to his shop. Despite his application, the fourth respondent has neither provided the electricity connection nor rejected his application. While he has enquired, he came to know that the Panchayat President has influenced the fourth respondent by making obstacles. Therefore, the petitioner has approached the third respondent on several occasions to instruct the fourth respondent to provide electricity connection. But there was no progress in this regard. The petitioner met the fourth respondent to find out the status of his application with respect to the commercial electricity connection to his shop adjoining to his residence. The fourth respondent has orally informed him that the Village Panchayat President has given objection not to proceed with his application for the electricity connection. The Electricity Code is very clear that any documentary proof is sufficient to get the electricity connection. However, the fourth respondent was unnecessarily keeping his application pending for a long time. Moreover, the petitioner executed the Indemnity Bond to the TANGEDCO. But even then his application was not processed by the Electricity Board. The TANGEDCO is a public utility service and it is duty bound to provide electricity connection on receipt of requisite fee payable to the Electricity Board. But in the case in hand, the respondents deliberately and wantonly kept pending his application for a long time without any valid reason. The fourth respondent ought not to respond to any objection from the third party, who influenced and making obstacles in this regard. The fourth respondent has acted in a malafide and biased manner by putting the blame on Village President. Moreover, the fourth respondent had given electricity connection to similarly placed persons in the same locality. But, the third and fourth respondents did not provide Electricity connection though the application was submitted with statutory fee remitted to the TANGEDCO. The respondent ought to have considered the genuineness of the application that he made an application for getting commercial electricity connection to his shop with an intention to act upon as a

law abiding person. The respondent ought to have considered the acts. The respondents ought to have considered the Section 2(x) of the Tamil Nadu Electricity Distribution Code that "occupier means the person in occupation (whether as owner or otherwise) of the premises where electricity is used or intended to be used. Regulation 27 of the Tamil Nadu Electricity Distribution Code, deals with the requisition for supply of energy as detailed in Section 43 of the Act. In the present case, the petitioner has fulfilled the requirements as contemplated by the Act and he is entitled to get electricity connection. Though the petitioner had applied in the year 2013, the TANGEDCO did not provide the connection without any valid reason. Hence, the petitioner has filed the above writ petition to direct the fourth respondent to provide commercial electricity connection to the petitioner's shop.

3. The fourth respondent has filed a counter affidavit and resisted the above writ petition. The fourth respondent submits that the petitioner submitted three applications requesting single phase commercial connections for 3 separate shops in No.2/49, CTH Road, Veppampattu, Thiruvallur Taluk and District along with property tax, Indemnity Bond, Voter ID, and Ration Card and the same were registered as No.55410131132, 55410131133 and 55410131134, dated 07.10.2013 and collected a sum of Rs.1,600/- each towards registration and other charges. The petitioner further submits that the spot was inspected and found correct and meanwhile, the President, Veppampattu Panchayat by letters dated 07.10.2013 and 04.11.2013 objected to effect service connection in the above said shops stating that the petitioner and his wife Mrs.Sundari built the shops in the Government land. The fourth respondent further submits that the writ petitioner by letter dated 08.11.2013 was requested to produce the necessary relevant documents on ownership of the disputed land since the President of Veppampattu Panchayat objected to effect the service connection on the ground of Government land and the acknowledgment of receipt of the writ petitioner was received on 13.11.2013 and the writ petitioner since the date of filing this writ petition did not reply to the said letter dated 08.11.2013. The fourth respondent further submits that if the petitioner submits the relevant necessary documents and no objection certificate issued by Tahsildar since the disputed land on which the shops were built is belonging to the Government of Tamil Nadu, the Electricity Board is ready to effect the said three numbers commercial single phase service connections for the shops in the disputed land.

4. The fourth respondent further submits that instead of giving reply along with the relevant documents and no objection certificate issued by Tahsildar, the writ petitioner filed the writ petition and hence, the writ petition is not maintainable. Therefore, the fourth respondent entreats the Court to dismiss the above writ petition.

5. The highly competent counsel Mr.M.Rajendiran appearing for the petitioner submits that the petitioner has constructed a shop at No.2/49, CTH Road, Veppampattu and has been remitting mandatory taxes to the statutory authorities. The petitioner and his family members are also residing therein. Now, the petitioner is seeking commercial electricity connection to his shop, which is being run for his survival. The petitioner also has submitted his application before the third respondent, but it was rejected without assigning any reasons. The petitioner had submitted registered documents including statutory fee. Hence, the highly competent counsel entreats the Court to give direction to the fourth respondent to provide commercial electricity connection to the petitioner's shop.

6. The highly competent counsel Mr.P.Gunaraj appearing for the respondents submits that the petitioner submitted three applications requesting single phase commercial connections for three separate shops at No.2/49, CTH Road, Veppampattu, along with necessary documents and also paid a sum of Rs.1,600/- each for his applications. At the time of inspection conducted by the respondents, the President of the Village had submitted objection letters stating that the petitioner and his wife built the shop on the Government land. Hence, the petitioner's application was rejected. Therefore, in the instant case, no objection certificate is required from the Revenue Authorities as the land belongs to the Government.

7. On considering the facts and circumstances of the case and arguments advanced by the highly competent counsels on either side and on perusing the typed-set of papers, it is seen that the petitioner has obtained electricity service connection for his residential purpose. If the house and shop has been constructed on the said property, the petitioner is entitled to receive commercial electricity connection. Therefore, this Court directs the fourth respondent herein to conduct a comprehensive enquiry in the presence of the petitioner and the objector viz., Village President and decide the matter accordingly.

8. With the above direction, the writ petition is disposed of. There is no order as to costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation,
Chengalpet Electricity Distribution Circle
Chengalpet.

2.The Executive Engineer,
Sriperumpudur,
Kancheepuram District.

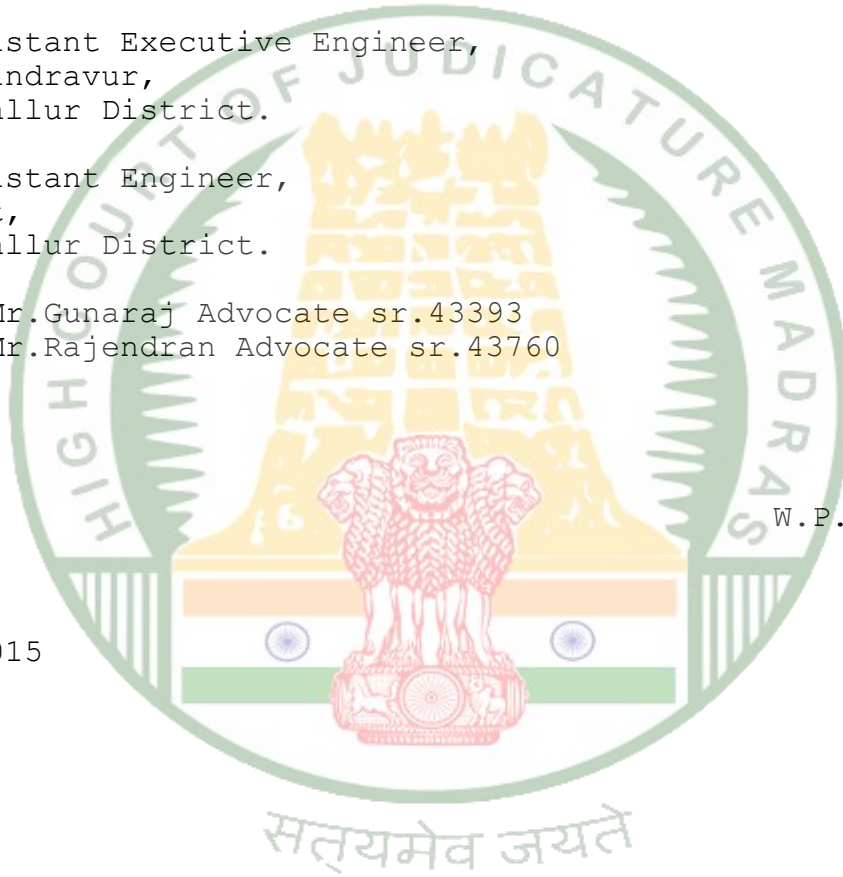
3.The Assistant Executive Engineer,
Thirunindravur,
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4.The Assistant Engineer,
Sevapet,
Thiruvallur District.

+1 cc to Mr.Gunaraj Advocate sr.43393

+1 cc to Mr.Rajendran Advocate sr.43760

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