

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2015

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

W.P. No. 34896 of 2015

1. P. Ponraj
 2. S. Meenamalani
 3. R. Lingaraj
 4. S. Ramakrishnan
 5. G. Guruvaiya
 6. D. Balamurugan
 7. G. Karuppaiya
 8. P. Indhirani
 9. R. Shanthi
 10. M. Sheela
 11. T. Ragupathi
 12. S. Akram Ali
 13. V. Perumal
 14. M. Muthamizh Pandiyan
 15. M. Balasubramaniyan
 16. M. Nagammal
 17. D. Pravin
 18. Manimaran
 19. K. Vasanthakumary
- ...Petitioners

Vs.

1. The Chairman cum Managing Director,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
NPKRR Maaligai,
No.144, Anna Salai,
Chennai - 600 002.
2. The Executive Engineer (Operation &
Maintenance),
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Ambattur, Chennai - 56.
3. The Assistant Electrical Engineer (Operation
& Maintenance),
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Mel Ayanampakkam,
Chennai - 95.

4. The Executive Officer,
Arulmigu Karivaradharaja Perumal
Thirukoil Vellalar Street,
Ayanambakkam,
Chennai - 600 095.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the respondents to provide the electricity connection to the respective petitioner's houses at Etteswaran Koil Street, Mel Ayanambakkam, Chennai - 600 095.

For Petitioner :: Mr.M. Rajendiran

For Respondents :: Mr.P.R. Dhilipkumar
for R1 to R3

O R D E R

This writ petition is filed for issue of a Writ of Mandamus directing the respondents to provide electricity connection to the respective petitioner's houses at Etteswaran Koil Street, Mel Ayanambakkam, Chennai - 600 095.

2. The petitioners are residing at Etteswaran Koil Street, Mel Ayanambakkam, Chennai - 95, for the past 12 years and they have been paying house tax, water tax to Thiruverkadu Municipality and also remitted base land tax to the temple namely, Arulmigu Kari Varadharaja Perumal Koil. Since the petitioners had all the basic amenities provided by the Municipality, except electricity connection, the petitioners approached the 3rd respondent to provide electricity connection to their houses. In spite of several requests made, there was no response from the 3rd respondent. Hence, the petitioners filed W.P. No. 22486 of 2013 seeking electricity connection to their houses and this Court, by order dated 22.06.2013, while dismissing the writ petition, observed as follows:

"16. ...The writ petition is dismissed. It is made clear that the disposal of the writ petition would not foreclose the rights of the petitioners to submit necessary applications in the prescribed format to respondents 1 to 3 and if applications are made, the respondents shall act in accordance with the statutory provisions and the Distribution Code. ..."

Pursuant to the order passed by this Court, the petitioners made an application to the 3rd respondent, which was also not processed. Hence, a legal notice was sent to the 3rd respondent seeking electricity connection to which the 3rd respondent sent a

reply on 28.07.2014 stating that they are awaiting "No Objection" Certificate from the 4th respondent herein and soon thereafter, electricity connection would be provided. The petitioners had also executed indemnity bond on 23.09.2015 in order to comply with the necessary formalities in this regard. However, no electricity connection was given. Hence, the petitioners are before this Court for the relief aforesaid.

3. Heard the learned counsel on either side. Notice to the 4th respondent is dispensed with, since, for adjudication of the issue involved in this case, no notice need be issued to the 4th respondent. That apart, the stand of the 4th respondent has already been stated by the learned counsel for respondents 1 to 3.

4. The learned counsel for the respondent Board would oppose the relief sought by the petitioners stating that the 4th respondent temple has raised an objection with regard to giving electricity connection to the respective petitioner's houses as they are encroachers.

5. However, a perusal of the records would show that the petitioners are possessing Family Cards, Voter ID Cards, Property Tax Receipts, Water Tax Receipts, etc to prove that they are residents of the said area. When the petitioners are in possession of the properties, even if they are encroachers, they should be dispossessed only as per law and as long as they are in possession, they are entitled to enjoy the properties along with amenities. As per clause 27(4) of Tamil Nadu Electricity Distribution Code, 2004, even if there is any objection with regard to providing electricity connection, the respondent Board is at liberty to get indemnity bond from the party concerned before effecting electricity connection. In this case, the respective petitioners have already executed indemnity bonds along with declaration. Therefore, there is no impediment for the respondent Board to provide electricity connection to the respective petitioner's houses.

6. Hence, the 3rd respondent is directed to provide electricity connection to the respective petitioner's houses within a period of 2 weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

nv

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Chairman cum Managing Director,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
NPKRR Maaligai,
No.144, Anna Salai,

Chennai - 600 002.

2. The Executive Engineer (Operation &
Maintenance),
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Ambattur, Chennai - 56.
3. The Assistant Electrical Engineer (Operation
& Maintenance),
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Mel Ayanampakkam,
Chennai - 95.
4. The Executive Officer,
Arulmigu Karivaradharaja Perumal
Thirukoil Vellalar Street,
Ayanampakkam,
Chennai - 600 095.

+ 1 cc to Mr.M.Rajendran, Advocate SR 60007

+ 1 cc to Mr.P.R.Dilipkumar, Advocate SR 59594

sv(co)
prk27/11

सत्यमेव जयते

W.P. No. 34896 of 2015

WEB COPY