



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :21.04.2015

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THE HONOURABLE MR. JUSTICE .R. MAHADEVAN

W.P (MD) .No.17544 of 2014

and

M.P. (MD) .No.1 of 2015

Gurubatham

... Petitioner

Vs

1.The Assistant Executive Engineer,
(Distribution and Maintenance),
Virudhunagar Electricity Distribution Circle,
Tamil Nadu Electricity Generation and
Distribution Corporation Ltd,
Aruppukottai, Virudhunagar District,
Virudhunagar.

2.The Assistant Engineer,
(Distribution and Maintenance),
Virudhunagar Electricity Distribution Circle,
Tamil Nadu Electricity Generation and
Distribution Corporation Ltd,
Paralatchi Sub-Station
Virudhunagar.

3.Mrs.Veeralakshmi

4.Karuppasamy

... Respondents

This Writ Petition has been filed praying for a Writ of Mandamus to direct the first and the second respondents to provide electricity connection to house in Door No.2/1333, West Street, Senkulam Village, Aruppukottai Taluk, Virudhunagar District, Virudhunagar, within the time stipulated by this Court.

For petitioner : Mr.G.Marimuthu

For R.1& 2 : Mr.G.Kasinathadurai
Additional Government Pleader

For R.3&4 : Mr.V.perumal

ORDER

This Writ Petition is relating to give electricity connection to the house of the petitioner. Since there was an objection by the third and the fourth respondents, the petitioner is before this Court.



2. The main grievance of the petitioner is that the third and the fourth respondents herein have raised objection to lay electric pole in the properties in question. In this regard, a suit has also been filed and the petitioner is also arrayed as one of the parties therein. Since the electricity is basic one and the due to objection of the private parties, the petitioner is not able to get electricity connection. Hence, he has come up with the above Writ Petition for the relief stated supra.

3. The learned counsel appearing for the official respondents would submit that if the petitioner complies with Section 27(6) of the Tamil Nadu Electricity Distribution Code, 2004, they are ready to provide the electricity connection to the petitioner.

4. Similarly, the learned counsel for the third and the fourth respondents would submit that if the petitioner complies with Rule 79 (1) and (2) of the Indian Electricity Rules, 1956, he may not have any objection in considering the request of the petitioner. The said Rule is usefully extracted below:-

79. Clearance From building of Low and Medium Voltage Lines and Service Lines:-

(1) Where a low or medium voltage overhead line passes above or adjacent to or terminates on any building, the following minimum clearances from any accessible point, on the basis of maximum sag., shall be observed:-

(a) for any flat roof, open balcony, verandah roof and lean to roof

(i) when the line passes above the building a vertical clearances of 2.5 metres from the highest point, and

(ii) when the line passes adjacent to the building a horizontal clearance of 1.2 metres from the nearest point, and

(b)

(2) Any conductor so situated as to have a clearance less than specified in sub-rule(1) adequately insulated and shall be attached at suitable intervals to a bare earthed bearer wire having a breaking strength of not less than 350 kg.

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5. For the above-said submission, the learned counsel appearing for the petitioner submitted that he is ready to comply with the conditions for getting electricity connection. Added further, the petitioner is also ready to file an affidavit of undertaking to that effect before the authorities concerned.

6. In view of the above, there may not be much impediment for the official respondents to effect electricity connection provided that the petitioner complies with the conditions to be imposed by the respondents. Therefore, when the petitioner complies with those two provisions, the second respondent is directed to effect service connection to the house of the petitioner forthwith, in any event, within a period of one week from the date of receipt of such compliance.



With the above direction, this Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar(Crl.Side)

/TRUE COPY/

Sub Assistant Registrar

To

1.The Assistant Executive Engineer,
(Distribution and Maintenance),
Virudhunagar Electricity Distribution Circle,
Tamil Nadu Electricity Generation and
Distribution Corporation Ltd,
Aruppukottai, Virudhunagar District,
Virudhunagar.

2.The Assistant Engineer,
(Distribution and Maintenance),
Virudhunagar Electricity Distribution Circle,
Tamil Nadu Electricity Generation and
Distribution Corporation Ltd,
Paralatchi Sub-Station
Virudhunagar.

+1cc to Mr.G.Kasinathadurai,Advocate, SR.No.21037

+1cc to Mr.G.Marimuthu,Advocate, SR.No.20568

+1cc to Mr.V.Perumal,Advocate, SR.No.20602

W.P(MD) .No.17544 of 2014
21.04.2015

ssm

PA/06.05.2015/3P/6C