



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.10.2016

CORAM:

THE HONOURABLE DR.JUSTICE **S.VIMALA**
W.P (MD) No.19154 of 2016

WEB COPY

Ravichandran

: Petitioner

Vs.

The Assistant Executive Engineer,
Electricity Distribution Circle,
Tamil Nadu Generation and Distribution Corporation Ltd.,
(TANGEDCO), Rasingapuram,
Theni District.

: Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to provide residential electricity connection to the petitioner's house situated in the survey Number 273/8 in Patta No.1805 at Rasingapuram Village, Bodinayakanoor Taluk, Theni District based on the petitioner's representation dated 04.05.2016.

For Petitioner : Mr.R.Karunanithi

For Respondent : Mrs.S.Srimathy

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the respondent to provide residential electricity connection to the petitioner's house situated in Survey No.273/8 in Patta No.1805 at Rasingapuram Village, Bodinayakanoor Taluk, Theni District, based on his representation dated 04.05.2016.

2.Heard the learned counsel appearing for the petitioner and the learned counse, who took notice for the respondent. By consent, the writ petition itself is taken up for final disposal.

3.The case of the petitioner the vacant land situated in Survey No.273/8 in Patta No.1805 at Rasingapuram Village, Bodinayakanoor Taluk, Theni District, is the ancestral property of the petitioner and he has constructed a house to an extent of 4 cents. On 21.04.2016, he submitted an application to the respondent for electricity connection. In the mean time, his sister filed a civil suit in O.S.No.268 of 2015 for partition, on the file of the Sub Court, Theni. In the said suit, she claimed 1/15 share only. The petitioner constructed a house only in 4



cents and 96 cents is available for the other legal heirs. Since, the respondent has not given electricity service connection, this writ petition has been filed.

4. The learned counsel for the petitioner would submit that the petitioner is ready produce relevant documents to show that he is in possession of the premises.

5. The learned counsel for the respondent would submit that as per Clause 27(4) of the Tamil Nadu Electricity Regulatory Commission Tamil Nadu Electricity Distribution Code, the petitioner has to execute an indemnity bond in Form 6 of the Annexure III and the documents showing that he is in lawful occupation of the premises and after receiving the same, the respondent shall consider the request of the petitioner.

6. Recording the submission made by the learned counsel for the respondent, the petitioner is directed to produce the documents showing that he is in lawful occupation of the premises and also to execute an indemnity bond in Form 6 of the Annexure III, as per Clause 27(4) of the Tamil Nadu Electricity Regulatory Commission Tamil Nadu Electricity Distribution Code, indemnifying the licensee against any loss on account of the dispute, which is pending before the Civil Court, within a period of one week, from the date of receipt of a copy of this order and after receipt of the same, the respondent shall consider the request of the petitioner, within a period of three weeks thereafter and to take necessary action.

7. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To
The Assistant Executive Engineer,
Electricity Distribution Circle,
Tamil Nadu Generation and Distribution Corporation Ltd.,
(TANGEDCO), Rasingapuram, Theni District.

+1 CC to Mr.R.KARUNANIDHI, Advocate, SR No.62037

ORDER MADE IN
W.P(MD) No.19154 of 2016
20.10.2016