

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2017

CORAM

The HON'BLE MR. JUSTICE M.M. SUNDRESH

W.P.No.6833 of 2017

M.Arumugam

.. Petitioner

vs.

The Assistant Engineer,
Pozhichalur Division,
Tamil Nadu Generation and
Distribution Corporation,
Kanchipuram District,
Chennai - 74.

.. Respondent

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the respondents to provide electricity connection to the petitioners based on indemnity bond by the petitioner immediately.

For Petitioner .. Mr.M.Pari

For Respondent .. Mr. S.K.Rameshwar

ORDER

The petitioner sought for service connection to his residence which has been put up on the Government poramboke land. The service connection has not been given presumably on the basis of amendment made to the Tamil Nadu Electricity Distribution Code, wherein Sub Regulation 12 states as follows:

"(12) Supply shall be given in poramboke lands/Government lands on production of No Objection Certificate obtained from the concerned officer of the Government of Tamil Nadu. The applicant shall execute an indemnity bond in FORM 6 of the ANNEXURE III to this Code and also pay security deposit twice the normal rate."

2.Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

3.As submitted by the learned counsel appearing for the petitioner, a No Objection Certificate has in fact been given

by the Tahsildar of Tambaram in favour of the petitioner's mother. It is not in dispute that the mother of the petitioner is no more. Therefore, the said certificate can very well be made applicable to the petitioner also. The objection sought to be raised in the counter affidavit that the other legal heirs have not given consent cannot be a ground since we are not deciding the inter se dispute. The service connection is only for the house and not for the individual. In other words, granting of service connection in the name of the petitioner will not give him the title as against the other legal heirs.

4. In such view of the matter, a direction is issued to the respondent to effect service connection to the petitioner subject to compliance of executing an indemnity bond in Form 6 of Annexure III mentioned in the Notification No. TNERC/DC/8-21 dated 07.10.2014 and also on compliance of other requirement of payment of security deposit twice the normal rate. The writ petition is disposed of accordingly. No costs.

Sd/-
Asst. Registrar

/true copy/

Sub Asst. Registrar

mmi

To

The Assistant Engineer,
Pozhichalur Division,
Tamil Nadu Generation and
Distribution Corporation,
Kanchipuram District,
Chennai - 74.

+1cc to Mr. M. Pari, Advocate Sr. 23617

+1cc to Mr. S. K. Rameshuvar, Advocate Sr. 23692

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EV(CO)
VR(25/4/2017)