

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2018

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.10298 of 2016

Mrs.K.Lakshmi

...Petitioner

Vs.

1. The Assistant Engineer, (Operation & Manintenance),
Panruti-Rural,
Tamil Nadu Electricity Generation & Distribution Company,
Panruti.

2.Mr.K.R.Rajendran

3.Mr.V.S.Shunmugham

4.Mr.V.S.Tirunavukkarasu

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, or any other appropriate writ, order or direction in the nature of writ calling for the records relating to the impugned order passed by the First Respondent க.எண்.உ.மி.பொ/கி. வ/பிண் / கோ.கட்டு/அ.எண்.128/2015 நாள். 03.10.2015 refusing to extend an exclusive electricity service connection to the petitioner's house situated in Plot No. 64, Survey No.103/3A1A, Lakshminarayanapuram village, Panruti Taluk, Cuddalore District and quash the same as against the provisions of the Electricity Act, 2003 and direct the first respondent to extend electricity service connection to the petitioner's house within the time to be fixed by this Hon'ble Court.

For Petitioner

: Mr.Venkatakrishnan

For Respondents

: Mr.M.Varunkumar for R1

Mr.R.Gururaj for R2

Mr.K.Moorthy for R3 & R4

O R D E R

The order of rejection passed by the Assistant Engineer, Electricity Board in proceedings dated 03.10.2015, rejecting the claim of the writ petitioner for providing electricity Service connection is under challenge in this writ petition.

2.The learned counsel appearing on behalf of the writ petitioner states that he is the owner of the property situated in Plot Number 64, Survey Number 103/3A1A, Lakshminarayanapuram village, Panruti Taluk, Cuddalore District. He purchased the said land property from his vendors. However, at the time of purchase, partition suit between the family members of the vendors/respondents 3 and 4 was pending. Thereafter, the writ petitioner had purchased the said property from the actual owners and therefore, the writ petitioner became the absolute owner of the property.

3.The petitioner further states that he constructed a house and residing in the said house and accordingly, he is in possession of the property. While so, there is no reason to reject the claim of the writ petitioner for providing electricity service connection for the residence of the writ petitioner.

4.The learned counsel appearing for the respondents states that number of litigations are pending between the writ petitioner and the vendors/respondents 2,3 and 4. On account of the pending litigations, the respondents are not in a position to provide electricity service connection to the writ petitioner.

5.This court is of an opinion that electricity service connection is an essential service and mere pendency of the Civil litigations will not be a ground to reject electricity service connection for residential houses. The Electricity Board is empowered to provide electricity service connection under Section 27(4) of the Distribution Code, even during the pendency of civil litigations between the parties. Thus, all other issues between the parties shall be adjudicated before the competent Civil Court of law and in the event of any Judgment produced by any of the parties, then the Board can review the decision in respect of the cancellation of service connection to be provided.

6.Under these circumstances, the respondents are directed to provide electricity service connection to the residence of the writ petitioner on execution of indemnity bond and necessary undertaking and subject to the final orders to be passed in the civil litigations. The said exercise shall be done by the respondents to provide electricity service connection to the

writ petitioner premises within a period of four weeks from date of receipt of a copy of this order.

7. Accordingly, the impugned order passed by the first respondent in proceedings in க.எண்.உ.மி.பொ/கிவ./பண் / கோ.கட்டு/அ.எண்.128/2015 dated 03.10.2015 stands quashed and the writ petition stands allowed. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

mbi/kak

To

1. The Assistant Engineer, (Operation & Manintenance),
Panruti-Rural,
Tamil Nadu Electricity Generation & Distribution Company,
Panruti.

+lcc to Mr. M.Venkatakkrishnan, Advocate, S.R.No.59215

+lcc to Mr.M.Varunkumar, Advocate, S.R.No.59484

+lcc to Mr.M.Moorthy, Advocate, S.R.No.59394

W.P.No.10298 of 2016

rrs 10/09/2018

सत्यमेव जयते

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