

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.27924 of 2018

Smt.Sangeetha Thilak

...Petitioner

Vs.

1. The Chairman
Tamil Nadu Electricity Board,
Anna Salai, Chennai.
2. The Assistant Executive Engineer (O & M)
Tamil Nadu Electricity Board
110KV Sub Station/Sembium
TANGEDCO, Chennai 600 011
3. The Tahsildar,
Ayanavaram, Chennai-23
(R3 Suo Moto impleaded vide
Court Order dated 04.12.2018,
made in W.P.No.27924 of 2018
by SMSJ)

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus or any other appropriate writ, order or direction in the nature of a writ, calling for the records in the impugned order in Lr.No.Oo.Se.Po/E.Pa/Sembium/Ko.Thani/A/17 dated 20.06.2017 passed by the 2nd respondent, QUASH the same and further direct the respondents to provide electricity connection (domestic purpose) to the petitioner's premises viz. Plot No.65, 1st Main Road, Bharath Rajiv Gandhi Nagar, Kolathur, Chennai 600 099.

For Petitioner : S.P.Sudalaiyandi

For Respondents: Mr. P. R. Dilipkumar, TNEB
for R1 and R2

Mr. G.B. Rajesh,
Government Advocate,
for R3

ORDER

The order of rejection issued by the second respondent in proceedings dated 20.06.2017 in relation to the claim of the writ petitioner for providing domestic electricity service connection in the premises is under challenge in the present Writ Petition.

2. On a perusal of the order impugned dated 20.06.2017, it is found that the application submitted by the writ petitioner seeking domestic electricity service connection to his premises has been rejected on the ground that the petitioner has not produced any registered document to show that he is the owner of the premises.

3. The learned counsel for the respondents also reiterated that in the absence of producing any valid document, establishing the title or ownership of the writ petitioner, the authorities may not be in a position to provide electricity service connection in the premises of the writ petitioner.

4. The learned counsel for the writ petitioner states that the petitioner is continuously residing in the said premises from the year 1993 onwards. Thus, non-production of any registered sale deed cannot be a ground to deny electricity service connection to the residential premises under the occupation of writ petitioner.

5. This Court is of an opinion that even in case of civil dispute or otherwise, the electric service connection for domestic service can be provided by invoking clause 27(4) of the Tamil Nadu Electricity Distribution Code. In the present case, it is not established by the respondents that there is a civil dispute. The petitioner also has not stated anything about any such civil disputes. Even, if any civil dispute is in existence, the respondents are empowered to obtain an indemnity bond and an undertaking from the writ petitioner, and provide electricity service connection in the premises of the writ petitioner.

6. This being the provision available and electricity being an essential service, the respondents have to consider the case of the writ petitioner with reference to clause 27(4) of the Tamil Nadu Electricity Distribution Code.

7. Accordingly, the following orders are passed:

(i) The impugned order passed by the 2nd respondent in Lr.No.Oo.Se.Po/E.Pa/Sembium/Ko.Thani/A/17 dated 20.06.2017 is quashed.

(ii) The respondents 1 & 2 are directed to provide domestic electricity service connection to the premises of the writ

petitioner by obtaining an indemnity bond and undertaking as required under clause 27(4) of the Tamil Nadu Electricity Distribution Code, within a period of four (4) weeks from the date of receipt of a copy of the order.

(iii) It is made clear that the respondents 1 & 2 are bound to verify other eligibility criterias of the writ petitioner in respect of providing the electricity service connection in the premises.

8. With these directions, the Writ Petition stands allowed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mrn

To

- 1.The Chairman
Tamil Nadu Electricity Board,
Anna Salai, Chennai.
- 2.The Assistant Executive Engineer (O & M)
Tamil Nadu Electricity Board
110KV Sub Station/Sembium
TANGEDCO, Chennai 600 011
- 3.The Tahsildar,
Ayanavaram, Chennai-23

+1cc to Mr.S.P.Sudaliyandi, Advocate, S.R.No.89135
+1cc to the Government Pleader, S.R.No.89429

सत्यमेव जयते

W.P.No. 27924 of 2018

SS (CO)

rrs 31/01/2019

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