

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.33981 of 2018

S.Balaji

...Petitioner

Vs.

1. The Chief Executive Engineer,
TANGEDCO,
No.800, Anna Salai,
Chennai- 600 002

2. The Assistant Engineer,
TANGEDCO
P(A)M/ Aminjikai,
Chennai Distribution Circle (West),
Annanagar, Chennai -600 102.

3. S. Devandran

...Respondents

Prayer in W.P.No.33981 of 2018: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ or any other order in the nature of Writ of Certiorarified Mandamus to call for the records of the 2nd respondent in Ref. Ka.No.Uu.Po/E(M)P/Aminjikai/Ko.MiInnaippu/A.No.449/18 dated 27.11.2018 (க.எண்.உ.பொ/இ (ம) ப/ அமைந்தகரை/கோ.மின் இணைப்பு/ அ.எண் 449/18 நாள்-27/11/2018) and quash the same and consequently direct the respondent 1 & 2 to give electricity service connection to the petitioner's house at 2nd floor, Door No.299, 15th Street, Jothiammal Nagar, T.P.Chatram, Chennai-600030, by receiving necessary charges.

For Petitioner : Mr. K. Balaji

For Respondents: Mr. P.R.Dhilipkumar, SC for EB
for Respondents 1 and 2

ORDER

The order of rejection, rejecting the claim of the writ petitioner to provide electricity service connection to the premises of the writ petitioner is under challenge in the present Writ Petition.

2. The father of the writ petitioner Mr.Sivapadam was allotted with the property bearing Door No.299, 5th Street, Jothiammal Nagar, T.P.Chatram, Chennai-600 030 to an extent of 6.25 sq.mts., (300 Sq.ft.,) by the Tamil Nadu Slum Clearance Board in the year 1984. The father of the writ petitioner had constructed the two floor building in the said plot.

3. The grievance of the writ petitioner is that the 3rd respondent, who is none other than the son of the writ petitioner is raising unnecessary civil disputes in order to prevent the writ petitioner from getting electricity service connection. In this regard, a civil suit between the family members in O.S.NO.426 of 2013 and O.S.No.1208 of 2013 are pending before the Civil Courts. Citing the pendency of the civil suits, the respondents 1 and 2 had refused to consider the applications submitted by the writ petitioner seeking electricity service connection in their premises.

4. The learned counsel for the writ petitioner states that the writ petitioner is residing in the premises and he is aged about 42 years old and without electricity power supply, the petitioner cannot lead his life peacefully.

5. The learned counsel appearing on behalf of the respondents 1 and 2 opposed the contention by stating that when the parties have not produced the relevant documents in respect of title or ownership, the authorities are unable to consider applications submitted by the writ petitioner seeking electricity connection.

6. The learned counsel for the respondents further states that the civil suits are pending between the parties admittedly. This being the case, the rejection order is in accordance with the Rules in force.

7. This Court is of an opinion that the electricity power supply is an essential one for human living with reference to the current day developments. It is very difficult to live in the premises, where there is no electricity power supply. In the present case on hand, admittedly the civil suits are pending and it may take long years for the conclusion of the civil suits and the parties may go for further appeal and the same also may take several years. Under these circumstances, the right of electricity power supply cannot be denied in respect of the persons, who are actually residing in the premises. In this regard clause 27(4) of the Tamil Nadu Electricity Distribution Code provides that even during the pendency of the civil suits, the authorities competent shall provide electricity power supply to the premises by obtaining a indemnity bond and also an undertaking to abide by the decisions of the Civil Courts or

otherwise.

8. In the present case also, the respondents 1 and 2 shall obtain an indemnity bond and all other necessary undertakings with reference to the Tamil Nadu Electricity Distribution Code and accordingly provide electricity connection without passing any further delay.

9. In this view of the matter, the impugned order passed by the 2nd respondent in Ref.Ka.No.Uu.Po/E(M) P/Aminjikarai/Ko.MiInnaippu /A.No.449/18 dated 27.11.2018 (க.எண்.உ.பொ/இ (ம) ப/ அமைந்தகரை/கோ.மின் இணைப்பு, / அ.எண் 449-18 நாள் 27/11/2018) is quashed. The respondents 1 and 2 are directed to consider the case of the writ petitioner for providing electricity power supply by obtaining an indemnity bond and by verifying the other eligibility criterias as prescribed in the Distribution Code or Supply Code.

10. Such an exercise shall be done within a period of four (4) weeks from the date of receipt of a copy of the order. The writ petitioner is directed to submit all relevant documents along with orders passed in this Writ Petition.

11. Accordingly, Writ Petition stands allowed. No costs.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

mrn

To

1. The Chief Executive Engineer,
TANGEDCO,
No.800, Anna Salai,
Chennai- 600 002

2. The Assistant Engineer,
TANGEDCO
P(A)M/ Aminjikarai,
Chennai Distribution Circle (West),
Annanagar, Chennai -600 102.

+1 CC to Mr.K. Balaji, Advocate sr 88678

W.P.No.33981 of 2018

SS(CO)

SP(29/01/2019)