



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.07.2018

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.8959 of 2018

and

W.M.P (MD) .No.8372 of 2018

V.Swarnaraj

... Petitioner

Vs.

1. The Superintending Engineer,
TANGEDCO,
Trichy.

2. The Junior Engineer,
Operation and Maintenance,
TANGEDCO, Sirugambur,
Trichy.

3.K.Deenadayalan

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the second respondent in his proceedings in க.எண்.உ.மி.பொ/இ&கா/சிறு/கோ.க/அ.எண் /019/-18 dated 17.04.2018 and quash the same as illegal, consequently directing the respondents 1 and 2 to transfer the electricity service connections No.263001811 and 2630011054 to the two of the petitioner's newly constructed shops and also to give two fresh service connections to the remaining two shops comprised in Survey No.145/2 situated at Kariamannickam Village, Mannachanallur Taluk, Trichy District.

For Petitioner	: Mr.T.Lenin Kumar
For R-1 & R-2	: Mr.SMS.Johnny Basha
For R-3	: Mr.G.Thalaimutharasu

O R D E R

As per Sub-clause 4 to 27 of the Tamil Nadu Electricity Distribution Code, there is no bar for the respondents to extend service connection, when the civil suit is pending and all that required is that an intending consumer shall execute indemnity bond, indemnifying the licensee against any loss on account of



disputes arising out of effecting service connection to the occupant. As such, the reasoning of the second respondent in the impugned letter, dated 17.04.2018 for not considering the petitioner's request to grant of electricity connection, may not be proper.

2. Heard Mr.T.Lenin Kumar, learned counsel for the petitioner and Mr.S.M.S.Johnny Basha, learned counsel appearing for the first and second respondents and Mr.G.Thalaimutharasu, learned counsel appearing for the third respondent.

3. The learned counsel for the third respondent vehemently opposed and submitted that the petitioner does not have any right over the property and therefore, he is not entitled for a service connection.

4. This Court in a similar situation i.e., **A.Muthusamy Vs. The Assistant Engineer, Tamil Nadu Electricity Board, Tirunelveli**, reported in **2009 (4) CTC 606** has held as follow:-

"8. An identical issue under the erstwhile Tamil Nadu Electricity Code, 1910 and the terms and conditions framed thereunder, came up for consideration before this Court. This Court in a decision reported in 2003 WLR 248 (P. Arumugam V. Government of Tamil Nadu etc., & Others) has held that in terms of Clause 6.04 of the terms and conditions of supply of electricity, electricity connection could be granted on execution of indemnity bond in the form prescribed by the Board. It was also made clear that merely because of the power supply given, it would not confer the ownership over the disputed land.

9. The ratio of the above said decision would apply to the case on hand. Admittedly, the petitioners are not the owners of the land and in terms of Clause 27(2) (4) of the Tamil Nadu Electricity Distribution Code as stated supra, the respondent-Board can consider the application of the petitioners for electricity supply and grant the same after obtaining the indemnity bond and other fees. In that view of the matter, there shall be a direction to the respondent-Board to consider the petitioners' request for service connection in terms of Clause 27 (2) (4) of the Tamil Nadu Electricity Distribution Code and grant electricity supply, after obtaining the indemnity bond in the statutory form and required fees, within a period of three weeks from the date of receipt of a copy of this order, if their applications otherwise found to be in order. It is made clear that mere grant of electricity supply would not confer any right over the petitioners in respect of the land in question."



5. In view of the provision of Sub-clause(4) to Clause 27 of the Tamil Nadu Electricity Distribution Code and in the light of the aforesaid pronouncement, there shall be a direction to the second respondent herein to consider the petitioner's application for grant of electricity service connection positively, after obtaining an indemnity bond in the statutory form and the required fees. Such an exercise shall be completed, within a period of two weeks from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

+ 1 cc TO Mr.T.Lenin Kumar , Advocate in SR No. 71472

rmk
AE/SV/SAR2/16.07.2018/3P/2C

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