



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.03.2018

C O R A M:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. (MD)No.11341 of 2015

and M.P. (MD)Nos.1, 2 & 3 of 2015

Punitha

... Petitioner

Vs.

1. The District Collector,
O/o The District Collector,
Kanniyakumari District,
Nagerkovil-629 001.
2. The Special Tahsildar,
Adi Dravidar Welfare,
Padmanabha puram,
Kanniyakumari District.
3. The Executive Engineer (Distribution),
T.N.E.B.,
Thakkalai,
Kanniyakumari District.
4. The Assistant Executive Engineer (Distribution),
T.N.E.B.,
Thakkalai,
Kanniyakumari District.

5. V.Chellappan

..Respondents

(R5 is impleaded vide Court order
dated 12.04.2016 in W.M.P.No.5113
of 2016)

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the entire records connected with the proceedings of the second respondent in A1/418/2014 dated 26.12.2014, quash the same and consequently, direct the third and fourth respondents to give electric connection to the petitioner's house at Eliyanvilai, Kollai, Thikkangodu Post, Kanniyakumari District-629 804, from electric post in F-I-49, Vazholodu colony eliyen vilai.



For Petitioner : Mr.Navaneetha Raja,
For M/s.A.Mohamed Yusuf.

For R1 & R2 : Mrs.J.Padmavathi Devi, Spl.G.P.

For R3 & R4 : Mr.A.V.Ramanathan

For R5 : Mr.M.Suresh

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ORDER

The Writ Petition has been filed, challenging the order passed by the second respondent refusing to provide service connection to the house of the petitioner on the ground that there is an objection from nearby residents.

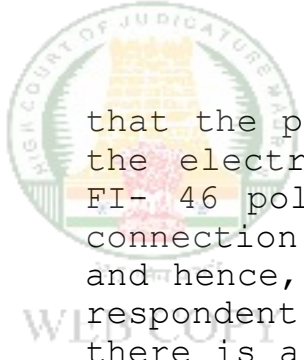
2.According to the petitioner, she has constructed a house in Survey No.845/3 and applied for providing electricity service connection to her house before the 4th respondent. But the 4th respondent refused to provide electricity service connection as the nearby residents of the area are objecting for providing such connection.

3. It is contented by the learned counsel for the petitioner that hardly 10 feet away from her house, an electricity pole (F-I-49) is located and if electricity service cable is drawn from the said pole, nobody will get affected, whereas if electricity service cable is drawn from the alternative pole which is located far away from her house, four more poles have to be erected. However, the nearby residents of the petitioner, who will no way get affected if electricity service cable is allowed to be drawn from the pole (F-I-49), have raised objections with mala fide intentions in order to defeat the claim of the petitioner.

4. One Mr.Chellappan, a resident in that area, has filed a petition in W.M.P.(MD)No.5113 of 2016 for impleading him as a party and this Court by order dated 12.04.2016 impleaded him as the 5th respondent. He has filed an affidavit, stating that if the electricity service connection from the pole viz., F-I-49 is provided, the same will run over his house and it will cause inconvenience to him. He further submitted that yet another pole is available in F-I-46, which is nearer to the petitioner's house and hence, she may get electricity service connection from the said pole. Apart from that, the petitioner is having another house and an electricity service connection has been provided to the said house and the present house has been constructed by the petitioner nearer to the old house and she can draw electricity services from the pole F-I-46.

<https://hccourts.gov.in/eservices/>

5. The learned counsel appearing for the petitioner submitted



that the pole FI-49 is placed near to her house and she can draw the electricity service connection from the said pole. Whereas FI- 46 pole is situated far away. Apart from that, the service connection granted to the old house had already been disconnected and hence, no service is in existence in the said house. The 5th respondent is the only person objecting to draw electric line as there is alternative pole is available and line could be draw from that pole.

6. The learned counsel appearing for the Electricity Board, on instructions, submitted that the pole in FI-46 is far away from the petitioner's house and and electricity service connections can be drawn from the pole namely, FI-49 and the same would not cause any inconvenience to the 5th respondent and he has also produced some photographs in order to substantiate his stand.

7. The clause 29 (6) of the Tamil Nadu Electricity Distribution Code is read as follows:

"The Consumer shall permit the licensee to install all requisite equipments such as Transformers, Switchgears, Meters etc., and to lay necessary cables or overhead lines and to provide connections thereto on the consumer's premises and shall also permit the licensee to extend supply to other consumers through the cables, lines and equipments installed in the consumer's premises, provided that supply to the consumer in the opinion of the Engineer is not thereby unduly affected".

8. The 5th respondent, being an existing consumer, as per the above provisions should permit the official respondents to extend supply to other consumers from his premises. Now, the official respondents draw lines only from the existing poles for which the 5th respondent cannot have any objection. It is for the Board to decide from where the lines are to be drawn. In view of the opinion of the Electricity Board that drawing electricity cables will not affect the other consumers, the respondents are directed to draw line from the pole F-I-49.

9. In view the above, the impugned order is liable to set aside. Accordingly, the impugned order dated 26.12.2014 is set aside and the respondents are directed to effect service connection to the petitioner's house through pole No.FI-49. Accordingly, the Writ Petition is allowed. No costs. Consequently, connected M.Ps.are closed.

Sd/-

Assistant Registrar (CS-II)



To

1. The District Collector,
O/o The District Collector,
Kanniyakumari District,
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2. The Special Tahsildar,
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3. The Executive Engineer (Distribution),
T.N.E.B.,
Thakkalai, Kanniyakumari District.

4. The Assistant Executive Engineer (Distribution),
T.N.E.B.,
Thakkalai, Kanniyakumari District.

+ 1 cc TO Mr.M.Suresh , Advocate in SR No. 54753

+ 1 cc TO Mr.A.Mohameed Yusuf , Advocate in SR No. 55196

gns

AE/KKR/SAR2/26.04.2018/4P/7C

W.P. (MD) No.11341 of 2015
12.03.2018