

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 24.07.2018****CORAM:****THE HONOURABLE MR.JUSTICE M.S.RAMESH****W.P. (MD) No.2633 of 2015****and****M.P. (MD) No.1 of 2015**

Palaniammal

... Petitioner

vs.

1. The Assistant Engineer
Sub- Station
TANGEDCO
Viralimalai
Pudukottai District.

2. The President
Viralimalai Village Panchayat
Viralimalai
Pudukottai.

3. Muthukumar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order of the first respondent in க.எண்.உ.மி.பொ/ துமிநி/வி.மலை/கோ.க/அ.எண்:389/1415 நாள் : 09.12.2014 quash the same as illegal and consequently direct the first respondent to provide electricity service connection to the petitioner house in Door No.790/2, M.G.R Nagar, Viralimalai Village, Pudukottai District on the basis of the petitioner's application dated 04.07.2014.

For Petitioner	:	Mr.K.Balasundharam
For Respondent	:	
No.1	:	Mr.S.M.S.Johnny Basha
No.2	:	Mr.A.Thiyagarajan
	:	Government Advocate
No.3	:	Mr.Ganapathi Subramanian

O R D E R

The petitioner claims to be in possession of the property in survey no. 206/2 of Viralimalai Village and his request for electricity service connection has not been considered till date, which necessitated him to file the present writ petition.



2. The learned counsel for the official respondent submitted that there has been objection from the third respondent for extending service connection to the petitioner's house and therefore they are unable to consider the petitioner's request.

3. The learned counsel appearing for the third respondent strenuously opposed the prayer sought for by the revision petitioner and submitted that the petitioner has no right in occupation of the said property. In this connection civil suit is also pending between the parties. The learned counsel further submitted that if at all the petitioner is aggrieved, it is always open to him to redress his relief before the civil forum. Therefore the present writ petition is not maintainable.

4. I have given careful consideration to the respective counsels.

5. Section 27(4) of the Electricity Distribution code empowers the first respondent to consider the application seeking for service connection even for such lands that are classified as poramboke, by obtaining an indemnity bond from the petitioner and by filing an undertaking affidavit. In this background, the first respondent had rejected the petitioner's application through the impugned order dated 09.12.2014. It is seen in the impugned order that the first respondent has also taken into account the classification of land as Pariboomiporamboke and thereby passed the impugned order. When the Electricity Distribution Code specifically empowers the respondent to effect service connection even in poramboke lands there is no justification on the part of the authorities to reject or disconnect service connection based on the objections of any rival parties. As such, the first respondent is bound to extend service connection to the applicants and the rejection through the impugned order is not proper.

6. In the result, the impugned order is set aside.

7. Insofar as the objections of the third respondent is concerned, it is a settled proposition of law that providing electricity service connection will not render any title over the property to the consumer. As such by effecting service connection to the petitioner no prejudice would be caused to the third respondent herein. Even otherwise, if the third respondent succeeds in the civil suit, it is always open to him to take further action based on the indemnity bond executed by the petitioner to the first respondent herein.

8. For all the forgoing reasons, the first respondent is directed to take petitioner's application on file and consequently service connection to the petitioner and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order.



9. With the above direction, the writ petition disposed of. No costs. Consequently connected miscellaneous petition is closed.

WEB COPY

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Assistant Engineer
Sub- Station
TANGEDCO
Viralimalai
Pudukottai District.
2. The President
Viralimalai Village Panchayat
Viralimalai
Pudukottai.

AAV

VB/KAK/SAR3/02.08.2018/3P/3C

W.P. (MD) No.2633 of 2015
24.07.2018