



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.15539 of 2018

L.Subramanian

... Petitioner

vs.

1. The Superintending Engineer
TANGEDCO
Pudukkottai
2. The Executive Engineer
(Operation & Maintenance)
TANGEDCO
Keeranur, Pudukkottai District
3. The Junior Electricity Engineer
(Operation & Maintenance)
Viralimalai, Pudukkottai District
4. The Tahsildar
Viralimalai Taluk
Pudukkottai District

... 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 order passed by the third respondent by his proceedings in No.E.Mi.Po/E.Kaa/The/V.Malai/Ko.Ka.No.126 18-19 dated 02.07.2018, quash the same as illegal and consequently direct the respondents to provide electricity connection to the petitioner's house bearing D.No.179, Kodikkalpatti, Viralur Village, Viralimalai Taluk, Pudukkottai District by getting the indemnity bond from the petitioner.

For Petitioner : Mr.K.Baalasundharam

For Respondents : Mr.E.P.Venkateshwar
for Mr.S.M.S.Johnny Basha for R1 to R3
Mr.V.Anand
Government Advocate for R4

**ORDER**

Rule 27 Sub-Clause (12) of the Tamil Nadu Electricity Distribution Code enables the respondent - TANGEDCO to effect electricity service connection even in poromboke lands on condition that the applicant shall produce an undertaking to the effect that he will not claim any ownership of the land and that the electricity service connection will not confer any permanent right of ownership to the land. In view of the same, there may not be any impediment on the part of the respondent - TANGEDCO to refuse to provide electricity service connection to the petitioner's house. The N.O.C., which is claimed in the impugned order, is also not mandatory, since an alternate option is provided under the aforesaid Rule.

2. In view of the same, the writ petition is allowed and the impugned order, dated 02.07.2018, passed by the third respondent, is set aside. The respondent - TANGEDCO is directed to up the petitioner's application seeking for electricity service connection to his house bearing Door No.179, situated at Kodikkalpatti, Viralur Village, Viralimalai Taluk, Pudukkottai District, on file and pass appropriate orders granting service connection to the petitioner's house on obtaining a letter of undertaking as contemplated under Rule 27 Sub-Clause (12) of the Tamil Nadu Electricity Distribution Code. Such an exercise shall be completed within a period of two weeks from the date of receipt of letter of undertaking from the petitioner. No costs.

Sd/-

Assistant Registrar(w)

/True Copy/

Sub Assistant Registrar(CS-III)

To:

1. The Tahsildar,
Viralimalai Taluk,
Pudukkottai District.
2. The Superintending Engineer
TANGEDCO
Pudukkottai.
3. The Executive Engineer
(Operation & Maintenance)
TANGEDCO
Keeranur, Pudukkottai District.



4. The Junior Electricity Engineer
(Operation & Maintenance)
Viralimalai, Pudukkottai District.

+1cc to Mr.K.Baalasundharam, Advocate Sr.No.76817

KRK

VB/KAK/SAR3/13.08.2018/3P/6C

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02.08.2018