



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2018

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE **V.BHAVANI SUBBAROYAN**

W.P. (MD) No.23668 of 2018
and
W.M.P. (MD) No.21450 of 2018

R.Ambikavathi

...Petitioner

Vs.

1.The Assistant Engineer,
Operation and Maintenance,
Raral West,
TANGEDCO,
Thathayankarpatti,
Musiri Taluk,
Trichy District.

2.Ramakrishnan

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to grant residential electricity service connection to the petitioner's house bearing Door No.1/45, Mavilipatti Village, North Street, comprised in Old S.No.320/2 and New natham S.No.501/2, Musiri Taluk, Trichy District without insisting property tax receipt in the name of the petitioner.

For Petitioner : Mr.K.Govindarajan

For R1 : Mrs.M.Rajeswari for
Mr.S.M.S.Johnny Basha
standing counsel

O R D E R

This writ petition has been filed to direct the first respondent to grant residential electricity service connection to the petitioner's house bearing Door No.1/45, Mavilipatti Village, North Street, comprised in Old S.No.320/2 and New natham S.No.501/2, Musiri Taluk, Trichy District without insisting property tax receipt in the name of the petitioner.



2.The case of the petitioner is that her husband died on 16.04.2004 at JIPMER Hospital, Pondicherry, leaving behind the petitioner and his two children without any source of income. The in-laws of the petitioner did not take care of the petitioner and her children. With two children who are studying 12th std., and 7th std., respectively, the petitioner is suffering with financial crisis. The in-laws of the petitioner tried to interfere with the house of the petitioner and due to the same, the petitioner had filed a suit in O.S.No.287 of 2016 on the file of the learned District Munsif, Musiri and the same is pending. Since the electricity supply stands in the name of the father in law of the petitioner, the in-laws have given a communication to the first respondent to disconnect the service connection for the said house due to the difference of opinion and the authorities also disconnected the same.

3.The first respondent is refusing to receive the application for electricity service connection to the petitioner for the said house till date without the property tax receipt. For the past one year and above, the petitioner is running from pillar to post to get the electricity service connection for her residence, which did not give any relief to her. Hence, the petitioner had given a representation dated 21.07.2018 and 06.08.2018 to the first respondent through registered post and the same has not been considered till date by the Electricity Board. The petitioner is not aware to file an appropriate application and follow the procedures for obtaining electricity service connection.

4.This Court had already held that the electricity connection can be given to the persons, who are in occupation of premises even if their ownership is under dispute provided, they furnish indemnity bond and pay necessary fee etc., under Electricity Law and as per Tamil nadu Electricity Distribution Code, 2004, Clauses 27(2) (4)&27(2) (12) .

5.In view of the above, the respondent board is directed to consider the application of the petitioner 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 two weeks from the date of receipt of a copy of this order. The petitioner is directed to contact the respondent board immediately by executing a indemnity bond and to pay necessary fee. Since the petitioner has got two children, who are studying 12th std., and 7th std., respectively, the electricity board officials should not delay the process of giving electricity service connection to the petitioner's house.



WEB COPY

3

6.This writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

Sub Assistant Registrar (CS-I)

TO

The Assistant Engineer,
Operation and Maintenance,
Rural West,
TANGEDCO,
Thathayankarpatti,
Musiri Taluk,
Trichy District.

+1cc to Mr.K.Govindarajan, Advocate, SR.No.97805.

W.P. (MD) No.23668 of 2018

mm

RAM/RSK/SAR 1/03.12.2018/3P/3C