



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.06.2018

CORAM:

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.20472 of 2017

1.S.Kalyani
2.N.Pulavar Rasu
3.P.Rajendran
4.S.Sanmugam

... Petitioners

vs.

1.The District Collector,
District Collector Office,
Thanjavur.

2.The Registrar (Land Division),
Annamalai University,
Annamalai Nagar,
Chidambaram,
Kadalur District.

3.Tamil Nadu Electricity Board
rep.through its Assistant Engineer,
Kumbakonam.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus forbearing the second respondent in disturbing the petitioners for getting State benefits and all revenue documents from the first respondent and consequently to direct the third respondent to provide electricity connection in the name of the petitioners in Survey Nos.(i)203/2 (ii)375/1, 376/1 (iii)239, 227 (iv)209/2, 227/2 respectively for doing cultivation without any scarcity of water in leasehold lands situated in Ayalur Village, Kumbakonam, Thanjavur District.

For Petitioners: Mr.P.Yasim Begum

For Respondents: Mr.J.Gunaseelan Muthiah
Additional Government Pleader for R1
Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates for R2
Mr.E.P.Venkateshwar
for Mr.S.M.S.Johnny Basha for R3

**ORDER**

It is not in dispute that the first petitioner is the original leaseholder and the petitioners 2 to 4 are the legal heirs of the other original leaseholders under the second respondent and the petitioners herein are cultivating the lands comprised in Survey Nos.203/2, 375/1, 376/1, 239, 227, 209/2 and 227/2 of Ayalur Village, Kumbakonam Taluk, Thanjavur District.

2. It is the submission of the learned counsel for the petitioners that in spite of the revenue records having been produced before the third respondent, electricity service connection has not been provided for the above mentioned cultivating lands.

3. The learned counsel for the third respondent submitted that till date the third respondent has not received any application from the petitioners seeking for electricity service connection.

4. The learned counsel for the second respondent, on the other hand, submitted that the entire lands were originally leased out to 48 tenants in the year 1940 and out of them, five tenants are alive and the remaining tenants are no more. As such, the arrears of lease had fallen due from the year 1979 till date and in order to maintain the tenancy records regarding their leasehold lands, they intend to enter into a fresh lease agreement with the occupants. The learned counsel for the second respondent also submitted that except the first petitioner, the other petitioners are the legal heirs of the original leaseholders.

5. The limited prayer sought for in the present writ petition is to provide electricity service connection for the lands which are being cultivated by the petitioners herein. The objection of the second respondent with regard to entering into a fresh lease agreement or for claiming the arrears of lease may not have any nexus with the relief sought for by the petitioners herein. When it is not in dispute that the petitioners are the original leaseholder / legal heirs of the original leaseholders, it may not be proper to deny their legitimate claim in view of Rule 27(4) of the Tamil Nadu Electricity Distribution Code, which entitles a consumer, not being the owner of the premises, for availing electricity service connection.

6. In view of the above observations, the petitioners are granted liberty to make a fresh application to the third respondent seeking for electricity service connection for their above mentioned cultivating lands forthwith and on receipt of the same, the third respondent shall provide electricity service connection, within a period of four weeks thereafter. In view of the admission of the second respondent that the petitioners are the original leaseholder / legal heirs of original leaseholders, there shall be a further direction forbearing the second respondent from creating any



disturbance to the petitioners for getting State benefits and other revenue documents from the first respondent.

7. The writ petition stands allowed accordingly. No costs.

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/True Copy/

Sd/-

Assistant Registrar (AS)

Sub Assistant Registrar

To:

1.The District Collector,
District Collector Office,
Thanjavur.

2.The Registrar (Land Division)
Annamalai University,
Annamalai Nagar,
Chidambaram,
Kadalur District.

3.Tamil Nadu Electricity Board,
rep.through its Assistant Engineer,
Kumbakonam.

+1CC to M/s.Ajmal Associates in SR.No.66980,

+1CC to Mr.P.Yasmin Begum Advocate in SR.No.66797.

KRK

DS/KKR/SAR- 2 :18.06.2018: 3P/6C

W.P. (MD) No.20472 of 2017
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