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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2019

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.28942 of 2016

E.Vasu .. Petitioner

-vs-

1. The Chairman
Tamil Nadu Electricity Board
Anna Salai
Chennai 600 002
2. The Superintendent Engineer (West)
Tamil Nadu Electricity Board
Thirumangalam
Chennai 600 041
3. The Executive Engineer
Tamil Nadu Electricity Board
Avadi
Chennai 600 054
4. The Assistant Executive Engineer
Tamil Nadu Electricity Board
Kattur (SIPCOT)
Vellanur Post (Via) S.M.Nagar
Chennai 600 062
5. The Assistant Engineer
Tamil Nadu Electricity Board
Pandewaran Village (Post)
Ambattur Taluk
Chennai
6. G.Mani .. Respondents

Petition under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the fifth respondent to provide electricity connection to the petitioner's house in S.No.392/2A of Keezhkondaiyur Village based on the representation dated 30.5.2016.



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For Petitioner :: Mr.M.Selvam
For Respondents :: Mr.P.R.Dhilipkumar
 Standing Counsel for
 R1 to 5
 Mr.N.R.Gopalan for R6

ORDER

Mr.E.Vasu, claiming to be an agriculturist and owning land in Survey No.392/2A of Keezhkondaiyur Village, wanted to get electricity service connection for his house. Hence he gave an application to the Assistant Engineer, Tamil Nadu Electricity Board, Pandeswaran Village, Ambattur Taluk seeking electricity service connection for his dwelling house stating that since the agricultural land is situated among other agricultural land, there are no pathway and traditionally the petitioner and others are using the bunds for walking across the fields. Even an electricity post is also situated to the south of the petitioner's land which is only seven feet away from his house. Therefore, the objection raised by Mr.G.Mani, the sixth respondent herein not to give the electricity service connection to the petitioner's land is wholly unreasonable and unsustainable. It is also claimed by the petitioner that when the sixth respondent is owning agricultural land, it is always quite natural to take out the electricity overhead line over the agricultural land that is not going to cause any problem or prejudice to any land owner so long as the land is used for agricultural purpose. Ignoring this simple logic, the respondents have not come forward to provide the service connection for domestic purpose. If the objection of the sixth respondent is upheld, no one in any place will be able to get the service connection. Therefore, overruling the objection raised by the sixth respondent, a direction be issued to the respondent-Electricity Board to provide the domestic service connection to the petitioner.

2. A detailed counter affidavit has been filed by Mr.G.Mani, the sixth respondent. The learned counsel for the sixth respondent also stated that when the petitioner's father owned the agricultural land in Survey No.392/2A at Keezhkondaiyur Village, he had a thatched structure in the said survey number which later on was developed as a hut. The petitioner and Elumalai are residing in Anna Salai, Keezhkondaiyur Village and not in Survey No.392/2A. Moreover, there is no reference to Survey No.392/2A in paragraph-3 of the affidavit. In view thereof, the sixth respondent had issued the lawyer's notice dated 7.4.2009 raising objection. As the petitioner also, joining hands with the Electricity Department, is attempting to draw the line over the property belonging to the sixth



respondent for domestic purpose, the sixth respondent has got a right of objecting the taking out of the electricity line over his land.

3. Learned standing counsel for the respondents 1 to 5 states that the objection raised by the sixth respondent not to take out the electricity service line over the agricultural land is wholly unacceptable.

4. This Court also finds that when the sixth respondent is having agricultural land, it is not known how he is justified in raising an objection that the electricity overhead line should not be erected over his land. When the petitioner is seeking domestic service connection, in all fairness, the respondents 1 to 5 ought to have overruled the objection and provided the service connection long time ago. Having not done so, this Court, overruling the objection raised by the sixth respondent, hereby directs the fifth respondent to provide the electricity service connection as requested by the petitioner in accordance with the prevailing rules. With this direction, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

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Chennai 600 002
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5. The Assistant Engineer
Tamil Nadu Electricity Board
Pandeswaran Village (Post)
Ambattur Taluk
Chennai

+1cc to Mr.M.Selvam , Advocate SR.No. 97181

+1cc to Mr.P.R.Dhilipkumar , Advocate SR.No. 97271

W.P.No.28942 of 2016

A.SK(29/11/2019)