

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.06.2019

Coram:

THE HON'BLE DR.JUSTICE G.JAYACHANDRAN

Writ Petition No.18163 of 2019

Mr.M.Ramachandran

.. Petitioner

/versus/

1.The Tamil Nadu State Electricity Board,
rep.by its Chairman,
10th Floor, N.P.K.K.R.Maligai,
144 Anna Salai, Chennai 600 002.

2.The Assistant Engineer(O&M),
Tamil Nadu Electricity Board,
Lakshmipuram, TANGEDCO/CEDC/NORTH
Chennai 600 099.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue to a Writ of Mandamus directing the respondents to provide electricity connection (domestic purpose) to the petitioner's premises viz., plot No.54, Kovil Street, Bharath Rajiv Gandhi Nagar, Kolathur, Chennai 600 099, based on his application dated 06.06.2019.

For Petitioner :Mr.S.P.Sudalaiyandi
For Respondents :Mr.P.R.Dhilip Kumar

O R D E R

By consent, the writ petition is taken up for final disposal at the admission stage itself.

2. Heard Mr.S.P.Sudalaiyandi, learned counsel appearing for the petitioner and Mr.P.R.Dhilip Kumar, learned counsel, who takes notice on behalf of the respondents.

3. Relying upon Regulation 27(4) of the Tamil Nadu Electricity Distribution Code, 2004, which reads as follows: "27 (4):An intending consumer, who is not the owner of the premises shall produce a consent letter in Form 5 of Annexure III to this code from the owner of the premises for availing the supply. If the owner is not available or refuses to give consent letter, the intending consumer shall produce proof of his/her being in

lawful occupation of the premises and also execute an indemnity bond in Form 6 of the Annexure III to this code indemnifying the licensee against any loss on account of disputes arising out of effecting service connection to the occupant and acceptance to pay security deposit twice the normal rate." the petitioner herein emphasise for electricity connection to his premises, which he claims to be the owner.

4. According to the petitioner, on 10.11.2005 he entered into an agreement with one P.P.R.Hariharan, S/o Ramaiya Devar. Pursuant to that sale agreement, he is in occupation of the premises presently bearing Door No.54, Bharath Rajiv Gandhi Nagar, Kolathur, Chennai 600 099. Seeking electricity service connection to the said premises, he has approached the respondents, but the respondents have not acted upon his request. Hence, he seeks Writ of Mandamus directing the respondents to provide domestic electricity service connection to his premises, based on his application dated 06.06.2019.

5. The learned Standing Counsel appearing for the respondents would submit that the copy of the application furnished in the typed set of papers clearly reveals that he has not furnished requisite documents to the authority concerned. Furthermore, the copy of the unregistered sale deed dated 10.11.2005 carries lot of discrepancies causing doubt on about its genuineness. In any event, Regulation 27(4) of the Tamil Nadu Electricity Distribution Code, 2004 does not apply to the owner but only to the tenant, who does not seek title over the property but only amenity in the property by virtue of his occupation in the said property.

6. The learned counsel appearing for the petitioner would rely upon two judgments of this Court passed in this regard wherein this Court, after considering Regulation 27(4) of the Tamil Nadu Electricity Distribution Code, 2004 has directed the respondents to give domestic electricity service connection to the premises of the writ petitioner therein after obtaining an indemnity bond and undertaking as required under Regulation 27(4) of the Tamil Nadu Electricity Distribution Code, 2004.

7. Regulation 27 of the Code provides for granting service connection on requisition, taking into consideration of the grievance of the tenant, who suffers threat of disconnection from the landlord or who refuses to give consent letter for supply of energy. For the said purpose, Clause 4 of the Tamil Nadu Electricity Distribution Code, 2004 has been incorporated, which reads as below:

"(4) An intending consumer who is not the owner of the premises shall produce a

consent letter in Form-5 of Annexure III to this Code from the owner of the premises for availing the supply. If the owner is not available or refuses to give consent letter, the intending consumer shall produce proof of his/her being in lawful occupation of the premises and also execute an indemnity bond in Form-6 of Annexure III to this Code indemnifying the licensee against any loss on account of disputes arising out of effecting service connection to the occupant and acceptance to pay security deposit twice the normal rate"

8. This provision is to be confined only to the persons, who are not the owners of the premises and who does not claim ownership of the premises. This cannot be extended beyond that, especially when there is dispute or cloud over the title. Further more, the intending consumer is bound to produce proof of his occupation of the premises to the satisfaction of the authorities.

9. As far as this case is concerned, the petitioner herein claims himself as the owner of the premises based on the unregistered sale deed and except Ration card and Adhar card, he has not furnished anything to substantiate his claim and sustain his application.

10. As pointed out by the learned Standing Counsel appearing for the respondents, the petitioner has to first substantiate his occupation over the premises by title deed and revenue documents. Mere execution of indemnity bond is not sufficient. Indemnity bond is only to make good the loss, which the respondents may incur due to some wrong declaration. However, before giving supply of electricity, the respondents should ensure that the person who claims electricity connection is in proper occupation of the place and there is no rival claimant.

11. In this case, since the petitioner has not produced relevant document to satisfy ownership or possession, the writ petition prayer is untenable.

12. In such circumstances, the application of the petitioner is bereft of details. This Court is unable to accede to the prayer of the petitioner. Hence, this Writ Petition is liable to be dismissed.

13. Accordingly, this Writ Petition is dismissed. No costs.

-s/d-
Assistant Registrar (CS-I)

True Copy

Sub-Assistant Registrar

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To

1. The Chairman,
Tamil Nadu State Electricity Board,
rep.by its Chairman,
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+1 CC to Mr.S.P.Sudalaiyandi, Advocate sr 54274.

+1 CC to Mr.P.R.Dhilip Kumar, Advocate sr 53707.

W.P.No.18163 of 2019

PP (CO)
SP (24/07/2019)

सत्यमेव जयते

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