

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.25137 of 2018

A.Pattabi

.. Petitioner

-vs-

The Assistant Engineer
Tamil Nadu Electricity Board
Nallur, Kangeyam Road
Tiruppur-6

... Respondent

Prayer: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondent herein to provide domestic electricity service connection to the house of the petitioner bearing Site No.11, Door No.48/2, Kanchi Nagar, Tiruppur-6 in pursuance to the petitioner's application dated 17.08.2018 on the file of the respondent herein within a stipulated period of time as prescribed by the Hon'ble Court.

For Petitioner :: Mr.K.Shanmugam

For Respondent :: Mr.S.K.Rameshuwar
Standing Counsel

ORDER

Mr.A.Pattabi, claiming to be in possession and enjoyment of a house site No.11 bearing Door No.48/2, Kanchi Nagar, Tiruppur from 16.2.99, by virtue of a registered document No.216 of 1999 from M/s P.Gnanasekaran, S/o Palaniappan and Koodalingam, S/o Koodalingam on the file of Sub Registrar, Nallur, has come to this Court seeking issuance of a writ of mandamus directing the respondent to provide domestic electricity service connection to the house of the petitioner bearing Site No.11, Door No.48/2, Kanchi Nagar, Tiruppur, on the basis of his application dated 17.08.2018.

2. It is stated that as the land belongs to Arulmighu Vishveswara Swamy Temple, the Electricity Department is insisting the petitioner to obtain NOC from the said temple. As

this Court, in similar circumstances, had passed an order on 27.1.2005 in W.P.No.2088 of 2005 directing the Electricity Department to provide electricity service connection to the petitioner therein after getting an indemnity bond, as per clause 6.03 of the terms and conditions of electricity supply, the same order can be considered in favour of the petitioner as well.

3. But this Court is unable to entertain the writ petition for two reasons. When the petitioner comes to this Court seeking a writ of mandamus against the respondent to provide domestic electricity service connection for his house site No.11 bearing Door No.48/2, Kanchi Nagar, Tiruppur, he should be in a position to show that he is the lawful tenant of the said temple. No document whatsoever has also been produced before this Court to show that the petitioner is the owner of the land in question. When the land in question belongs to Arulmighu Vishveswara Swamy Temple, the order cited for granting the prayer in favour of the petitioner, cannot be made applicable. Moreover, when the indemnity bond as per clause 27 (4) of the Tamil Nadu Electricity Distribution Code, 2004 can be applied only in favour of a lawful tenant, the petitioner is neither a lawful tenant nor the owner of the land in question. Therefore, this Court is not inclined to accede to the prayer of the petitioner. Accordingly, the writ petition stands dismissed. Consequently, the impleading petition in W.M.P.No.32913 of 2018 stands closed. No costs.

Sd/-

Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

ss

To

1. The Assistant Engineer
Tamil Nadu Electricity Board
Nallur, Kangeyam Road
Tiruppur-6
+1cc to Mr.K.Shanmugam, Advocate SR.No.11001

W.P.No.25137 of 2018

SSV(CO)

GMV(04/03/2019)