



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 10.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD) Nos.22870 of 2018 and 1444 of 2019

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W.P (MD) .No.22870 of 2018

M.Arputhamary

... Petitioner

Vs

1.The Superintending Engineer-TNEB,
Vallam Road,
Thanjavur-613007.

2.The Executive Engineer-TNEB
Puthur-Orathanadu,
Orathanadu-614625,
Thanjavur District.

3.The Assistant Executive Engineer-TNEB
Puthur-Orathanadu,
Orathanadu-614625,
Thanjavur District.

4.The Assistant Engineer-TNEB,
O & M, North Division,
Puthur-Orathanadu,
Orathanadu-614625,
Thanjavur District.

5.Antony

... Respondents

(R5 is impleaded vide Court order dated 27.03.2019 in W.M.P (MD) .
No.22260 of 2018)

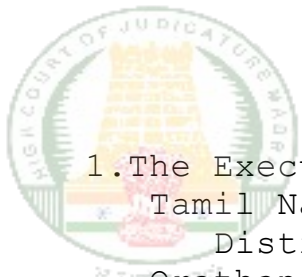
PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents 1 to 4 to consider the representation dated 20.08.2018 and consequently give electricity connection to the petitioner house.

For Petitioner : Mr.K.Suresh

For R1 to R4 : Mr.S.M.S.Johnny Basha

For R5 : Mr.R.sundar Srinivasan

W.P. (MD) No.1444 of 2019



1.The Executive Engineer,
Tamil Nadu Electricity Generation and
Distribution Corporation Ltd., (TANGEDCO)
Orathanadu,
Thanjavur District.

2.The Assistant Executive Engineer,
Tamil Nadu Electricity Generation and
Distribution Corporation Ltd., (TANGEDCO)
Orathanadu,
Thanjavur District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents not to lay the electricity line across the petitioner's patta land situated in S.Nos.19A/5A1 & 19A/5A3 at Kannanthangudi Keelaiyur, Oranthanadu Taluk, Thanjavur District by considering the petitioner's representation dated 18.01.2019.

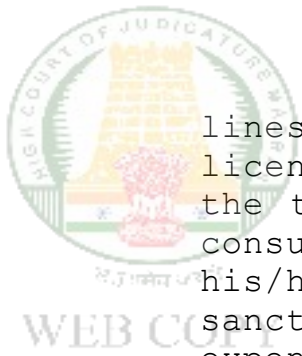
For Petitioner : Mr.S.Deenadhayalan
For Respondents : Mr.S.M.S.Johnny Basha

COMMON ORDER

In these writ petitions, the issue that arises for consideration is whether the petitioner in W.P(MD).No.22870 of 2018 namely M.Arputhamary is entitled to be given electricity service connection. She has given a representation dated 20.08.2018 in this regard. The fourth respondent in the said writ petition is authority competent to take a call in the matter. The request of M.Arputhamary is opposed by the petitioner in W.P.(MD). No.1444 of 2019 and the impleaded respondent Antony in W.P(MD). No.22870 of 2018.

2. The learned Standing counsel appearing for the TANGEDCO submits that the application can only be decided in accordance with Rule 27(6) of the Tamil Nadu Electricity Distribution Code. The said provision reads as under:-

"where the intending consumer's premises has no frontage on a street and the supply line from the licensee's mains has to go upon, over or under the adjoining premises of any other person (Whether or not the adjoining premises is owned jointly by the intending consumer and such other person), the intending consumer shall arrange at his/her own expense for any necessary way leave, licence or sanction before the supply is effected. Even when the frontage is available, but objections are raised for laying



lines/cables/poles through a route proposed by the licensee involving minimum cost and in accordance with the technical norms, to extend supply to the intending consumer, the intending consumer shall arrange at his/her own expense necessary way leave, licence or sanction before the supply is effected. Any extra expense to be incurred by the licensee in placing the supply line in accordance with the terms of the way leave, licence or sanction shall be borne by the intending consumer. In the event of way-leave, licence or sanction being cancelled or withdrawn, the intending consumer shall at his/her own cost arrange for any diversion of the service-line or the provision of any new service line thus rendered necessary."

3. The fourth respondent shall consider the application of M.Arputhamary in accordance with said provision. The fourth respondent shall also hear the petitioner in W.P(MD).No.1444 of 2019 and the fifth respondent Antony in W.P(MD).No.22870 of 2018 before passing final orders. The decision in this regard will be taken within a period of two months from the date of receipt of a copy of this order, after putting the parties on notice.

4. These Writ Petitions are disposed of accordingly. No costs.

Sd/-

Assistant Registrar (w)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Superintending Engineer-TNEB,
Vallam Road,
Thanjavur-613007.

2.The Executive Engineer-TNEB
Puthur-Orathanadu,
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Thanjavur District.

3.The Assistant Executive Engineer-TNEB
Puthur-Orathanadu,
Orathanadu-614625,
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4.The Assistant Engineer-TNEB,
O & M, North Division,
Puthur-Orathanadu,
Orathanadu-614625,
Thanjavur District.



5.The Executive Engineer,
Tamil Nadu Electricity Generation and
Distribution Corporation Ltd., (TANGEDCO)
Orathanadu,
Thanjavur District.

WEB COPY

6.The Assistant Executive Engineer,
Tamil Nadu Electricity Generation and
Distribution Corporation Ltd., (TANGEDCO)
Orathanadu,
Thanjavur District.

+1 CC to M/s.R.SUNDAR SRINIVASAN, Advocate (SR-60215[F] dated
10/04/2019)

rmk

W.P. (MD) Nos.22870 of 2018 and 1444 of 2019
10.04.2019

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