

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 26.06.2019

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THE HONOURABLE DR.JUSTICE ANITA SUMANTH**W.P(MD)No.12765 of 2019****and****W.M.P(MD)Nos.9498, 9499 & 9500 of 2019**

Rakkappan

... Petitioner

Vs.

1.The Assistant Engineer (Rural),
TANGEDCO,
Ilayangudi,
Sivagangai District.

2.Malaichamy

3.Muthukumar

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the first respondent vide his proceedings in Letter No.2.Mi.Po/Vu/Elai/Va.Aa/Ko. Puthiya Min Inaippu/A.No.54/19 dated 13.05.2019 and quash the same as illegal and consequently direct the first respondent herein to provide Electricity Service Connection to the petitioner's house property situated at Survey No.66/5, Melayur Village, Ilayangudi Taluk, Sivagangai District and for other reliefs.

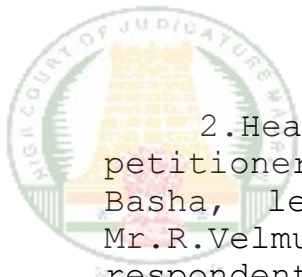
For Petitioner : Mr.J.Lawrance

For R - 1 : Mrs.M.Rajeswari
for Mr.S.M.S.Johnny Basha

For RR 2 & 3 : Mr.R.Velmurugan

ORDER

This Writ Petition seeks a Certiorarified Mandamus calling for the notice dated 13.05.2019 issued by the first respondent / Assistant Engineer and quashing of the same and directing the first respondent to provide Electricity Service Connection to the petitioners' house property situated at Survey No.66/5, Melayur Village, Ilayangudi Taluk, Sivagangai District and for other reliefs.



2. Heard Mr.J.Lawrance, learned counsel appearing for the petitioner, Mrs.M.Rajeswari representing for Mr.S.M.S.Johnny Basha, learned counsel appearing for the first respondent and Mr.R.Velmurugan, learned counsel appearing for the second and third respondents.

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3. In the light of the provisions of Regulation 27 of the Tamil Nadu Electricity Distribution Code, 2004 (in short 'Code'), supply of electricity shall be granted to the owner or occupier of any premises.

4. Sub-Section 27(4) of the Code reads thus:-

"27(4). An intending consumer who is not the owner of the premises he occupies 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 he 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."

5. In terms of Sub-Section 27(4) of the Code, an occupier of premises shall produce a consent letter from the owner to avail supply. In the event of difficulty in obtaining such consent such as the owner not being available or refusing to issue the consent letter, the occupier shall produce proof of being in lawful occupation of the premises and also execute an indemnity bond in Form 6 of the Annexure III to the Code.

6. In the light of the aforesaid admitted position, the impugned order is quashed. The petitioner is directed to file a fresh application with necessary enclosures as per Regulations. Upon receipt of such application, the same shall be processed in line with Regulation 27(4) of the Code and necessary action be taken by the first respondent within a period of two weeks from date of receipt of the application. Objections, if any, raised by respondents 2 and 3 are not material to decide upon the application.

7. The Writ Petition is allowed in the aforesaid terms. No costs. consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(Crl Side)

// True Copy //



The Assistant Engineer (Rural),
TANGEDCO,
Ilayangudi,
Sivagangai District.

+1CC TO MR.R.VELMURUGAN, Advocate Sr. No.71688
+1CC TO MR.J.LAWRANCE, Advocate Sr. No. 71913

W.P (MD) No.12765 of 2019
26.06.2019

TR (01.07.2019) 3P 4C