



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 13.03.2019

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P(MD)No.18822 of 2018

B.Sakthivel @ Sakkthi

.. Petitioner

Vs.

1. The Assistant Engineer,
TANGEDCO, Ilayankudi Rural,
Sivagangai District.

2. The Executive Engineer,
TANGEDCO, Ilayankudi,
Sivagangai District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to provide electricity service connection to the petitioner's house forthwith.

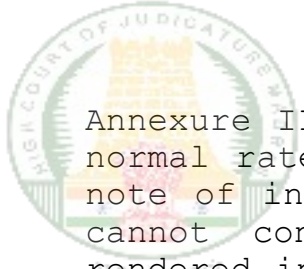
For Petitioner :Mr.S.Arulandu
For Respondents :Mrs.M.Rajeswari
for Mr.S.M.S.Johny Basha

ORDER

The writ petitioner wants this Court to direct the respondents to provide him electricity service connection.

2.The learned counsel appearing for the petitioner submitted that after getting an undertaking of the writ petitioner, the respondents can be directed to provide service connection. He placed reliance on the decision of this Court reported in **2007 (1) MLJ 241 (S.RAJAKUMARI v. CHAIRMAN, T.N.E.B)**. He also pointed out that this reported decision has been followed in W.P.(MD)No.7888 of 2018, dated 20.06.2018.

3.I am unable to agree with the said contention. As rightly pointed out by the learned standing counsel, the Tamil Nadu Electricity Distribution Code was amended on 07.10.2014 and sub Regulation 12 of Regulation 27 has been substituted and the amendment reads that 'supply shall be given to Poramboke land/Government lands on production of No Objection Certificate obtained from the concerned officer of the Government of Tamil Nadu. The applicant should also execute an indemnity bond in FORM-6 of the



Annexure III to this code and also pay security deposit twice the normal rate.' This amendment made on 07.10.2014 has not been taken note of in W.P.(MD)No.7888 of 2018 dated 20.06.2018. Therefore, it cannot constitute a binding precedent. The said decision was rendered in November, 2006 and the same has been rendered redundant by subsequent amendment. Therefore, the respondents are directed to give electricity service connection to the writ petitioner subject to fulfilment of the aforesaid formalities laid down in Regulation 27 (12) of the Tamil Nadu Electricity Distribution Code.

4. In the result, this writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar

To

1. The Assistant Engineer,
TANGEDCO, Ilayankudi Rural,
Sivagangai District.

2. The Executive Engineer,
TANGEDCO, Ilayankudi,
Sivagangai District.

+2 CC to M/s.A.SHAJAHAN, Advocate (SR-54275[F] dated 15/03/2019)

RJ2

TE : 03/04/2019 : 2P/5C

W.P (MD) No.18822 of 2018
13.03.2019