



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2019

CORAM:

**THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA**

W.P (MD)Nos.16912 of 2019 and 6825 of 2017

and

WMP (MD)No.5379 of 2017

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S.Karunadhas .. Petitioner in WP(MD)No.16912/2019

K.Chandrakumar .. Petitioner in WP(MD)No.6825/2017

Vs.

- 1.The Superintending Engineer,  
Tamil Nadu Electricity Board (Supply),  
Parvathipuram,  
Nagercoil,  
Kanyakumari District.
- 2.The Executive Engineer,  
Tamil Nadu Electricity Board (Distribution),  
Parvathipuram,  
Nagercoil,  
Kanyakumari District.
- 3.The Church of South India Trust Association,  
rep.through its Bishop  
CSI Diocesan Office,  
71-A, Dennis Street,  
Nagercoil,  
Agasteeswaram Taluk,  
Kanyakumari District.
- 4.The London Missionary Society Church,  
Rep.through its Secretary,  
Kaniyakulam Paraiyadi,  
Vettoornimadam,  
Nagercoil,  
Kanyakumari District. ... Respondents in WP(MD)No.16912/2019
- 1.The Superintending Engineer,  
TANGEDCO,  
Nagercoil,  
Kanyakumari District.



2.The Executive Engineer,  
Distribution and Maintenance,  
TANGEDCO,  
Nagercoil,  
Kanyakumari District.

3.The Church of South India (CSI),  
rep.through its Bishop  
Nagercoil,  
Kanyakumari District.

4.The London Missionary Society Church,  
Rep.through its Secretary Y.Rajan  
LMS Kalparayadi, Kaniyakulam Paraiyadi,  
Vettoornimadam,  
Nagercoil,  
Kanyakumari District.

(R4 impleaded vide order dated  
19.08.2019)

..Respondents in WP(MD)No.6825/2017

WP(MD)No.16912 of 2019 filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the impugned order dated 05.07.2019 passed by the 2nd respondent herein in his proceedings in Ka.No.Se.Po/Vee/Naagar/Vee Aa/Ko.Pudur/No.1726/2019 and quash the same as illegal and further direct the respondents 1 and 2 herein to provide electricity connection for the residential premises in 6/47A, Kaniyakulam Paraiyadi, Vettoornimadam, Nagercoil, Kanyakumari District.

WP(MD)No.6825 of 2017 filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the 2nd respondent in Ka.No.Se.Po./V/Nager/Varai/Ko.Pu.Manu/R.No.606/17 dated 13.02.2017 and quash the same and consequently direct the 2<sup>nd</sup> respondent to provide electricity service connection in respect of house in Door No.6/47B Parayadi, Parvathipuram Post, Nagercoil - 3, Kanyakumari District.

For Petitioner: Mr.V.Meenakshisundaram  
in WP(MD)No.16912/2019  
Mr.S.Vashik Ali  
for Mr.T.Selvakumaran  
in WP(MD)No.6825/2017

For R1 & R2 : Mr.S.M.S.Johny Basha

For R3 : Mr.F.Deepak

For R4 : Mr.R.Murugan

in WP(MD)No.16912/2019



For R1 & R2 : Mr.AU.Ramanathan  
For R3 : Mr.F.Deepak  
For R4 : Mr.Murugan  
for Mr.R.M.Sivakumar  
in WP (MD)No.6825/2017

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**COMMON ORDER**

These writ petitions have been filed challenging the impugned orders passed by the second respondent dated 05.07.2019 and 13.02.2017 respectively and consequently to direct the respondents 1 and 2 to provide electricity service connection for the residential premises in Door No.6/47A, Kaniyakulam Paraiyadi, Vettoornimadam, Nagercoil, Kanyakumari District and Door No.6/47B Parayadi, Parvathipuram Post, Nagercoil - 3, Kanyakumari District.

2.The petitioners are residing in their respective premises in Door No.6/47A, Kaniyakulam Paraiyadi, Vettoornimadam, Nagercoil, Kanyakumari District and Door No.6/47B Parayadi, Parvathipuram Post, Nagercoil - 3, Kanyakumari District. They made applications to the second respondent, seeking electricity service connection to the aforementioned premises. The said request was rejected by the second respondent stating that a suit in O.S.No.288 of 2014 is pending before the First Additional Sub Court, Nagercoil with respect to the subject property. Challenging the order of rejection, the petitioners are before this Court.

3.The learned counsel appearing for the third respondent would vehemently oppose the grant of electricity service connection to the petitioners' premises on the ground that already a suit is pending with respect to the subject property and therefore, the relief sought by the petitioners cannot be granted.

4.The learned counsel appearing for the petitioners placed reliance upon the order of this Court in the case of **A.MUTHUSAMY AND OTHERS, V. THE ASSISTANT ENGINEER, TAMIL NADU ELECTRICITY BOARD, K.T.C. NAGAR, V.M.CHATHIRAM, TIRUNELVELI**, reported in **2009 (4) CTC 606**, wherein this Court has considered a similar issue. Clause 27(1) of the Tamil Nadu Electricity Distribution Code, 2004 deals with the requisitions for supply of energy. In terms of Clause 27(1)(1) of the said Code, it is incumbent that every distribution license, shall, on an application by the owner or occupier of any premises, give supply of electricity to such premises, within one month after the receipt of the application requiring such supply.

5.It is useful to extract Clause 27(2)(4) of the Tamil Nadu Electricity Distribution Code, 2004 which reads as under:

<https://hcservices.ecourts.gov.in/hcservices/>



"An intending consumer who is not the owner of the premises he occupies 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 of this Code indemnifying the license 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."

6. In the above referred case, in Paragraph No.9, this Court has held as follows:

"9. The ratio of the above said decision would apply to the case on hand. Admittedly, the petitioners are not the owners of the land and in terms of Clause 27 (2) (4) of the Tamil Nadu Electricity Distribution Code as stated supra, the respondent-Board can consider the Application of the petitioners for electricity supply and grant the same after obtaining the indemnity bond and other fees. In that view of the matter, there shall be a direction to the respondent-Board to consider the petitioners' request for service connection in terms of Clause 27(2) (4) of the Tamil Nadu Electricity Distribution Code and grant electricity supply, after obtaining the indemnity bond in the statutory form and required fees, within a period of three weeks from the date of receipt of a copy of this order, if their applications otherwise found to be in order. It is made clear that mere grant of electricity supply would not confer any right over the petitioners in respect of the land in question."

7. At this juncture, the learned Standing Counsel appearing for the respondents 1 and 2 submitted that in the event of the petitioners submitting applications in the prescribed format seeking electricity service connection along with all the required documents, the same will be considered by the respondents 1 and 2.

8. In view of the above submission and in line with the decision cited supra, the petitioners are directed to submit their respective applications in the prescribed format seeking electricity service connection along with all the required documents. They are also directed to furnish indemnity bond in Form 6 of Annexure III of the Code indemnifying the licensee against any loss on account of the dispute between the petitioners



and respondents 3 and 4. On receipt of such applications along with the said documents, the respondents 1 and 2 are directed to consider the petitioners' request for providing electricity connection in terms of Clause 27(2)(4) of the Tamil Nadu Electricity Distribution Code, 2004 and grant electricity supply after obtaining the indemnity bond in the statutory form along with required fees, within a period of four weeks from the date of receipt of a copy of this order, if their applications are otherwise found to be in order.

9.The writ petitions are disposed of with the above direction. No costs. Consequently, WMP(MD)No.5379 of 2017 is closed.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

Sub Assistant Registrar(CS)

TO

1.The Superintending Engineer,  
Tamil Nadu Electricity Board (Supply),  
Parvathipuram,  
Nagercoil,  
Kanyakumari District.

2.The Executive Engineer,  
Tamil Nadu Electricity Board (Distribution),  
Parvathipuram,  
Nagercoil,  
Kanyakumari District.

W.P (MD)Nos.16912 of 2019 and 6825 of 2017  
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