



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **05.11.2019**

CORAM:

THE HONOURABLE MR.JUSTICE **M.GOVINDARAJ**

W.P. (MD)No.15132 of 2018

WEB COPY

R.Lakshmi

: Petitioner

Vs.

Tamil Nadu Electricity Board,
Rep. through its
Assistant Engineer,
Pattiswaram Post,
Kumbakonam Taluk,
Thanjavur District.

: Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the proceedings passed by the respondent in க.எண்.உ.மொ/இயரா/மட்டிஸ் வரம் /கோ.பு.ம.இ/அ.எண் - 055/2018-2019, dated 19.06.2018 and quash the same as illegal and consequently, to direct the respondent to provide electricity connection to the petitioner's house in Survey No.124 situated at No.1614, North Street, G.P.Kovil Street, Sengamedu, Patteeswaram Post, Kumbakonam Taluk, Thanjavur District.

For Petitioner
For Respondent

: M/s.P.Yasmin Begum
: Mrs.M.Rajeshwari,
For Mr.S.M.S.Johnny Basha

ORDER

Heard both sides.

2. The petitioner is recorded as a cultivating tenant by proceedings of the competent authority/Tahsildar, Kumbakonam, in கு.உ.ப.வழக்கு எண்.55/05/இ1, dated 06.10.2008. Thereafter, the petitioner filed a suit for permanent injunction in O.S.No.468 of 2005 before the learned Principal District Munsif, Kumbakonam and the same was dismissed on 24.08.2009 in respect of the first item of the suit property, against which, she preferred an appeal in A.S.No.22 of 2010 on the file of the learned Additional Sub Judge, Kumbakonam and the lower appellate Court, by its judgment and decree dated 20.04.2010, set aside the order of dismissal and granted decree in favour of the petitioner. Thereafter, the petitioner has produced the house tax receipt, No Objection Certificate from the Village Administrative Officer and also an indemnity bond with the respondent for provision of service connection. Yet, the respondent



refused to provide service connection on the pretext that the second appeal filed by the other side is pending.

3. On a perusal of the materials available on record, it is seen that the suit is only for permanent injunction restraining the neighbours from interfering with her peaceful possession. That will not stand in the way of providing electricity connection. As per the provisions of the Electricity Act and Regulations, once the petitioner produces the latest property tax assessment and the No Objection Certificate, the Electricity Board is bound to provide service connection. In this case, the petitioner has also given indemnity bond.

4. In view of the above, the respondent is directed to provide electricity service connection to the petitioner's house in Survey No.124 situated at No.1614, North Street, G.P.Kovil Street, Sengamedu, Patteeswaram Post, Kumbakonam Taluk, Thanjavur District. The indemnity bond executed by the petitioner will take care of the compensation to the neighbours in the event of their success in the second appeal. The service connection shall be provided, within a period of eight weeks, on production of the required certificates and also on payment of necessary charges.

5. The Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

SML

+1 CC to M/s.P.YASMIN BEGUM, Advocate SR-96839.

**Order made in
W.P. (MD)No.15132 of 2018
Dated: 05.11.2019**

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