



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.10.2019

CORAM:

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

WEB COPY

W.P. (MD) No. 24158 of 2016
and
W.M.P. (MD) No. 17439 of 2016

M. Kalaiselvi : Petitioner

Vs.

1. The Superintending Engineer,
Tamil Nadu Electricity Board,
Office of the Superintending Engineer,
Tuticorin.
2. The Executive Engineer,
TANGEDCO,
Office of the Executive Engineer (Distribution),
Tuticorin.
3. The Assistant Executive Engineer,
TANGEDCO,
Office of the Assistant Executive Engineer (Distribution),
Srivaikundam,
Tuticorin District.
4. The Assistant Engineer (Electrical),
TANGEDCO,
Office of the Assistant Engineer (Distribution),
Eral, Tuticorin District.
5. C. Dharmalingam : Respondents

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 relating to the impugned proceedings in Letter No. c.bgh./tp/Vuy;/nfh.fl;L/m.vz;.222/16, dated 29.07.2016 on the file of the fourth respondent and quash the same and further, directing the respondents 1 to 4 to provide electricity connection to the house property bearing Old Door No. 3/22B, New Door No. 3/17 (within the jurisdiction of Umarikadu Village) bearing Survey No. 55/4B2, Srivaikuntam Taluk, Thoothukudi District.

For Petitioner	: Mr. M. P. Senthil
For Respondents 1 to 4	: Mr. G. Kasinathadurai
For Respondent No. 5	: No Appearance



ORDER

The petitioner is a resident of Old Door No.3/22B, New Door No.3/17, Main Road, Umarikadu Village, Srivaikuntam Taluk, Thoothukudi District. She applied for electricity connection for her house. However, on the objection of the fifth respondent, who is a rival claimant of the property, the respondent Electricity Board refused to grant permission to the petitioner. The petitioner has also submitted an indemnity bond towards damage that may be caused to the respondents 1 to 4, in the event, the fifth respondent establishes his title. But, it was not acknowledged. The fourth respondent, by letter dated 29.07.2016, refused to grant electricity service connection on the ground that it is objected by the fifth respondent. Hence, the petitioner is before this Court.

2. I have considered the rival submissions.

3. This Court issued notice to the fifth respondent. Despite service of the same, he has not chosen to appear.

4. Insofar as the official respondents are concerned, if the petitioner applies along with proper revenue documents, namely property tax assessment, indemnity bond, etc., they are willing to provide electricity connection.

5. Therefore, considering the facts and circumstances of the case, a direction is given to the respondents 1 to 4 to provide electricity service connection to the petitioner on production of the property tax assessment and deed of indemnity along with other documents required by the respondents 1 to 4. The fifth respondent has not chosen to appear, which shows that he has no serious objections in the matter. Even assuming that, he has objections, the indemnity bond executed by the petitioner will compensate the damages. He can work out his remedy through Civil Court. Hence, the fifth respondent cannot object to the same, without any valid orders of Court. The said exercise shall be completed, within a period of four weeks from the date of receipt of a copy of this order.

6. The Writ Petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)



TO

1. The Superintending Engineer,
Tamil Nadu Electricity Board,
Office of the Superintending Engineer,
Tuticorin.
2. The Executive Engineer,
TANGEDCO,
Office of the Executive Engineer (Distribution),
Tuticorin.
3. The Assistant Executive Engineer,
TANGEDCO,
Office of the Assistant Executive Engineer (Distribution),
Srivaikundam,
Tuticorin District.
4. The Assistant Engineer (Electrical),
TANGEDCO,
Office of the Assistant Engineer (Distribution),
Eral, Tuticorin District.

+1CC TO MR.G.KASINATHADURAI, Advocate Sr. No.94463

+1CC TO MR.M.P.SENTHIL, Advocate Sr. No. 94475

Order made in
W.P. (MD) No. 24158 of 2016
Dated: 24.10.2019

SE (CO)

TR(04.11.2019) 3P 7C