



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2020

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.8811 of 2012

M.Mylsami

.. Petitioner

-vs-

1.Tamilnadu Generation and
Distribution Ltd., (TANGEDCO),
Rep., by its Chairman cum
Managing Director,
NPKRR Maaligai,
144, Anna Salai,
Chennai-600 002.

2.The Assistant Engineer,
Tamil Nadu Electricity Board,
Coimbatore Electricity Distribution
Circle (North), Kovil Palayam,
Coimbatore-641 107.

.. Respondents

Petition under Article 226 of the Constitution of India
praying for issuance of Writ of Certiorarified Mandamus to call
for the records of the 2nd respondent in Letter
No.U.S.P./E.Pr./K.P./V.A./F.Kattu/T.No.446/11-12 dated
04.11.2011 and to quash the same and consequently direct the
respondents to accord connection to the petitioner in his
Service Connection No.62 from the well in S.No.364/4 to the bore
well in S.No.361/3A, Vadavalli Village, Coimbatore North Taluk.

For Petitioner : Mr.T.M.Hariharan

For Respondents : Mr.M.Vijayamehanath,
Standing Counsel for TANGEDCO

ORDER

Heard Mr.T.M.Hariharan, learned counsel for the petitioner
and Mr.M.Vijayamehanath, learned Standing Counsel for the
respondent-Board.

2.The petitioner challenges the proceedings issued by the
2nd respondent dated 04.11.2011, and seeks for a direction upon
the respondents to grant electricity service connection to the



petitioner in his Service Connection No.62 from the well in S.No.364/4 to the bore-well in S.No.361/3A, Vadavalli Village, Coimbatore North Taluk.

3.The impugned communication is in response to what was stated by the petitioner in his reply to the earlier communication of the 2nd respondent dated 07.07.2011. The petitioner sought for providing electricity service connection through a common pathway, which is jointly owned by the petitioner and his seven brothers.

4.From the records placed before this Court, it is seen that none of the brothers have given any written objection to the petitioner's request. However, the 2nd respondent by communication dated 07.07.2011, sought for several documents and in spite of the petitioner explaining his stand, by the impugned proceedings dated 04.11.2011, the 2nd respondent has reiterated his earlier stand.

5.In the considered view of this Court, as long as there is no written objection given by any of the petitioner's brothers, who are stated to be co-owners of the common cart-track, the 2nd respondent can need not assume jurisdiction and anticipate an objection. Before examining as to whether connection can be granted or not, the pre-requisite is an inspection, which appears to have not been done. Therefore, without insisting upon all the documents called for, the 2nd respondent should proceed further in the matter. If according to the 2nd respondent, the interest of the Board has to be safeguarded, it goes without saying that the petitioner can be called upon to execute an indemnity bond indemnifying the interest of the respondent-Board against any action that may be initiated against them, if electricity connection sought for by the petitioner is granted. Therefore, that would be the reasonable approach to be adopted in the given facts and circumstances.

6.For the above reasons, this writ petition is allowed, the impugned order dated 04.11.2011, is quashed and the 2nd respondent is directed to cause an inspection of the property after notice to the petitioner, examine all matters and proceed to consider the application for grant of service connection. This direction shall be complied with, within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar



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Managing Director,
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SRL(CO)
GMY(09/07/2020)