

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :04.11.2020
CORAM
THE HON'BLE MR.JUSTICE N.ANAND VENKATESH
W.P.No.10573 of 2020

Sudha
W/o Desigan

..Petitioner

Vs.

1.The Chairman/Manging Director
TANGEDCO
10th floor, NPKPR Malikai
144, Mount Road(Anna Salai)
Chennai-600 002

2.The Superintending Engineer
TANGEDCO
Cuddalore & District
607001

3.The Executive Engineer
TANGEDCO
Cuddalore & District

4.The Assistant Engineer
TANGEDCO
Thiruvanthipuram,
Cuddalore & District

..Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider the representation dated 12.06.2020 and pass orders to give the electricity connection to the petitioner house in S.No.210/2 Thiruvanthipuram Village.

For Petitioner

: Mr.V.Gunasekar

For Respondents

: Mr.Dhilip Kumar

ORDER

This writ petition has been filed for the issue of writ of mandamus directing the respondents to consider the application submitted by the petitioner wherein the petitioner is seeking for electricity connection for her residential property.

2. Learned counsel for the petitioner submitted that the petitioner is in possession and enjoyment of the subject property for the last so many years. Learned counsel further submitted that a certificate has already been issued by the Tahsildar on 08.06.2020 to the effect that the petitioner is in possession and enjoyment of a Natham Poramboke land and she has also constructed a thatched house in the property. The Tahsildar has also recommended for providing electricity connection to the petitioner. Learned counsel submitted that even if the petitioner is treated to be encroacher, the petitioner will be entitled for the electricity connection. Learned counsel in order to substantiate his submissions relied upon the judgment of this Court in T.M.Prakash and Ors Vs. The District Collector and The Superintending Engineer, Tamil Nadu Electricity Board, 2013 6 CTC 849. Learned counsel also relied upon the subsequent judgment in G.Murugan Vs. The Chairman, Tamil Nadu Electricity Board and Ors, 2014 3 MLJ 851.

3. Per contra, the learned standing counsel appearing on behalf of the respondents submitted that pursuant to the application submitted by the petitioner, the respondents have received an objection from a temple which is said to have filed two suits against the petitioner. Learned counsel submitted that in view of the rival claim made by the temple, the respondents did not take any action on the application submitted by the petitioner.

4. This Court has carefully considered the submissions made on either side and the materials available on record.

5. The admitted case of the petitioner is that she is in possession and enjoyment of a thatched house which is situated in Natham Poramboke land. The certificate issued by the Tahsildar, Cuddalore also reveals the fact that the petitioner has put up a house in this property and she has been living in this property for a long time. The Tahsildar also recommended for granting electricity connection to the petitioner.

6. The judgment cited by the learned counsel for the petitioner specifically holds that electricity supply can be granted even to encroachers by getting an indemnity bond and the required fees. This Court also made it clear that providing such electricity supply will not in any way confer any right to the occupant of the property. If there is any objection from any quarters, the respondents can consider granting electricity connection subject to the result of the Civil suits which is said to have been filed by some temple.

7. In view of the above, there shall be a direction to the 4th respondent to consider the application submitted by the petitioner on 12.06.2020 and process the same and collect necessary indemnity bond and the necessary fees from the petitioner and proceed to provide electricity supply to the petitioner. It is made clear that the electricity supply given to the petitioner does not in any way confer any right to the petitioner over the property.

This writ petition is disposed of with the above directions. No costs.

-s/d-
Assistant Registrar

True Copy
Sub-Assistant Registrar

To
1.The Chairman/Manging Director
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+1 cc to Mr.V.Gunasekar Advocate sr35781

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aa04/12/2020