

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.12.2020

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.NO.17680 of 2020

M. Iyyappan

..Petitioner

Vs

1. The Tamil Nadu Electricity Board,
rep. By its Chairman,
10th Floor. N.P.K.K.R. Maaligai,
144, Anna Salai,
Chennai 600 002.
2. The Assistant Engineer (O & M),
Tamil Nadu Electricity Board,
Lakshmipuram, TANGEDCO/CEDC/NORTH
Kolathur, Chennai 600 099. .. Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Mandamus directing the 2nd respondent to provide electricity connection (domestic purpose) to the petitioner's property situated at Plot No.115, 2nd Street, Bharath Rajiv Gandhi Nagar, Kolathur, Chennai 600 099, based on the application dated 15.2.2020 .

For petitioner : Mr.S.P.Sudalaiyandi

For Respondents: Mr. P.R.Dilipkumar,
Standing counsel

ORDER

This writ petition is filed for issue of Writ of Mandamus directing the respondents to provide electricity connection to the premises of the petitioner based on the application made by the petitioner on 15.2.2020.

2. The case of the petitioner is that he is the owner of the property and the property is being assessed to property tax and there is also water and sewerage connection given to the property. That apart, the petitioner claims that he has obtained ration card, voter I.D. card and Adhar Card which will establish that the petitioner is in occupation of the property. The petitioner made an application to the second respondent seeking for electricity connection. Since the same was not acted upon, the present writ petition has been filed before this Court seeking appropriate directions.

3. The learned counsel for the petitioner submitted that the adjacent owners of the property already approached this Court with a similar prayer and this Court had directed the Electricity Department to entertain the application and take a decision on supply of electricity within a time frame fixed by this Court. The learned counsel in order to substantiate his submissions relied upon the following Orders :

1. Order in W.P.No.1559 of 2015, dated 03.07.2015
2. Order in W.P.No.27924 of 2018 dated 20.12.2018
3. Order in W.P.No.27924 of 2018, dated 20.12.2018
4. Order in W.P.No.4543 of 2019, dated 07.05.2019
5. Order in W.P.No.12971 of 2019, dated 06.06.2019

4. The learned counsel appearing on behalf of the respondents submitted that the learned Single Judge who dealt with a similar writ petition dismissed the writ petition while passing Orders in W.P.No.18163 of 2019 holding that if the petitioner is not able to prove ownership of the property, the petitioner will not be entitled for electricity connection from the Department.

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

6. It is seen from the earlier Orders passed by this Court that in every Order this Court has held that not being an owner cannot be a ground to deny electricity connection and directed the respondents to take into account the other documents that will prove occupation of the petitioner in the premises and get an indemnity bond and an undertaking as required under section 27(4) of the Tamilnadu Electricity Distribution Code and thereafter, provide electricity connection.

7. This Court does not want to take a different view and it is better if some consistency is maintained in line with the earlier Orders passed by this Court.

8. In view of the above, this Court directs the petitioner to execute an indemnity bond and an undertaking as required under section 27(4) of the Tamilnadu Electricity Distribution Code and produce the same along with all other relevant documents and on such submission of the documents, the second respondent is directed to satisfy himself with regard to the occupation of the premises and thereafter, provide domestic electricity service connection to the premises of the petitioner. Such exercise shall be completed within a period of four weeks from the date of receipt of a copy of this Order.

9. This Writ Petition is disposed of with the above direction. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

Msr

To

1. The Tamil Nadu Electricity Board,
rep. By its Chairman,
10th Floor. N.P.K.K.R. Maaligai,
144, Anna Salai,
Chennai 600 002.

2. The Assistant Engineer (O & M),
Tamil Nadu Electricity Board,
Lakshmipuram, TANGEDCO/CEDC/NORTH
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