



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.5874 of 2020

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Ameena Nazrin

... Petitioner

-Vs-

1.The Tamil Nadu Electricity Board
Represented by its
Assistant Electrical Engineer,
(Operation and Maintenance),
Papanasam Town and Taluk,
Thanjavur District.

2.Arul Migh Palaivananatha Swami Temple,
Thirupalaithurai, represented by its
Executive Officer, Papanasam,
Thanjavaur District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the first respondent vide its proceedings in Ka.No.Vu.Se.Po/ EpaRa/ PaaPa/ Ko.Pugar/ A.No.066/2019, dated 25.07.2019, Ka.No.Vu.Mi.Po/ EpaRa/ Nagar/ Papanasam/ Ko.Kaditham/No.150/19-20, dated 17.09.2019 and consequential order of the 1st respondent in Ka.No.Vu.Po/ EpaRa/ Nagar/ PaaPa/ Ko.Thani/ AEa214/ dated 31.10.2019 and quash the same as illegal and further more direct the respondent to restore the electricity supply in service connection No.53 to the petitioner's husband Shahul Hameed for his residential house property in Door No.19, Keelaveethi, Thirupalaithurai, Papanasam Tk, Thanjavur Dt and the property bounded on the West-Road, East-Periya Vayal, North-Virakannu Kudiruppu, South Sivaramapillai Vagayra Veedu Kollai, within the time stipulated by this Court.

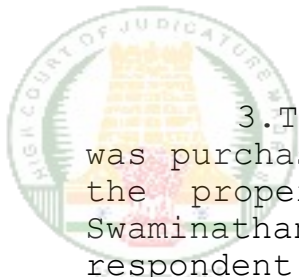
For Petitioner
For R1

: Mr.R.Rajaraman
: M/s.M.Rajeswari
for Mr.S.M.S.Johnny Basha
Standing counsel

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Standing Counsel appearing for the first respondent.

2.Even though the second respondent does not appear to have been served, considering the nature of relief to be granted, notice to the second respondent is dispensed with.



3.The petitioner states that the petition mentioned property was purchased by his mother-in-law. The petitioner would claim that the property enjoyed service connection in the name of one Swaminathan and that in view of the objection raised by the second respondent temple it was disconnected.

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4.However, the learned Standing Counsel appearing for the first respondent states that the service connection that stood in the name of Swaminathan pertained to some other property and it has no relation to the petitioner's petition mentioned property.

5.It appears that there is a civil dispute between the writ petitioner and the second respondent temple with regard to the land.

6.The second respondent temple is said to have filed a civil suit against the petitioner in this regard.

7.Since the petitioner has already put up a construction in the subject land, her case for provision of electricity will have to be considered by the first respondent in terms of Rule 27(4) of the Tamil Nadu Electricity Distribution Code, 2004. The said provision reads as follows:-

".....27(4).An intending consumer who is not the owner of the premises he occupies shall produce a consent letter in Form 5 of Annexure III to this Code from the owner of the premises for availing the supply. If the owner is not available or he refuses to give consent letter, the intending consumer shall produce proof of his/her being in lawful occupation of the premises and also execute an indemnity bond in Form 6 of the Annexure III to this Code indemnifying the licensee against any loss on account of disputes arising out of effecting service connection to the occupant and acceptance to pay security deposit twice the normal rate..."

8.The said provision enables the intending consumer who is not the owner of the premises to pray for provision of electricity connection, even if the owner declines to grant consent. In this case, the petitioner's case is that she is the owner of the petition mentioned premises. However, the claim of ownership is contested by the second respondent. Therefore, the respective rights of the parties will have to abide by the outcome of the pending proceedings. Till then, obviously the petitioner cannot be deprived of her provision for electricity, I therefore, direct the first respondent herein to apply Rule 27(4) of the Tamil Nadu Electricity Distribution Code, 2004 and provide electric supply to the petitioner's petition mentioned premises. However, as rightly pointed out by the learned Standing Counsel for the first respondent, the petitioner has to apply afresh. The question of



seeking restoration of service connection No.53 cannot arise. This is because, the petitioner has not been able to establish that the service connection No.53 pertained to the petition mentioned property.

9. I therefore, permit the petitioner herein to apply afresh to the first respondent herein for provision of electricity and the same shall be expeditiously considered by the first respondent. The writ petition is disposed of on these terms. No costs.

Sd/-

Assistant Registrar (ADII)

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/ /2020

Sub Assistant Registrar(CS)

Sji

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Tamil Nadu Electricity Board
Represented by its
Assistant Electrical Engineer,
(Operation and Maintenance),
Papanasam Town and Taluk,
Thanjavur District.

+1 CC to M/s.R. RAJARAMAN, Advocate (SR-13150[F] dated 17/07/2020)

W.P. (MD)No.5874 of 2020
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KB(20.07.2020) 3P 3C