



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.09.2020

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P.(MD)No.7786 of 2020 and

WMP(MD) No.7272 of 2020

WEB COPY

C.Annamalai

... Petitioner

Vs.

1.The Superintending Engineer, (O&M),  
Tamilnadu Generation and Distribution Corporation Ltd,  
(TANGEDCO), Madurai Division,  
TNEB Complex, Race Course Road,  
K.Pudur, Madurai.

2.The Executive Engineer, (O&M),  
Tamilnadu Generation and Distribution Corporation Ltd,  
(TANGEDCO),  
Samayanallur Sub Division,  
Dindigul Main Road,  
Samayanallur,  
Madurai District.

3.The Assistant Engineer (O&M),  
Tamilnadu Generation and Distribution Corporation Ltd,  
(TANGEDCO),  
No.43/2, Kalaivanan Nagar,  
Alanganallur,  
Madurai 625 501.

4.A.Chinnalagan,S/o Alagan Moopanar.

... Respondents

(R4 is impleaded vide Court order dated 04.08.2020 in WMP(MD) No.8142 of 2020 in WP(MD) No.7786 of 2020 by GRSJ)

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2<sup>nd</sup> and 3<sup>rd</sup> respondents to provide the new electricity service connection to the petitioner's residence at Valasai Kammalapatti Village, South Street, Vadipatti Taluk, Madurai District, in the light of the application No.200051660520325 dated 17.05.2020.

|                |   |                                            |
|----------------|---|--------------------------------------------|
| For Petitioner | : | Mr.AK.Gopalan                              |
| For R1 to R3   | : | Mrs.S.Srimathy for<br>Mr.S.M.S.Johny Basha |
| For R4         | : | Mr.S.Vikram                                |



**O R D E R**

Heard the learned counsel on either side.

2. The petitioner seeks providing of electricity service connection for his dwelling house. It is a modest structure having asbestos roofing. The petitioner claims that he purchased 1216 sq ft. of land through unregistered document from the brothers of the contesting respondent. The fact remains that the document on which the petitioner places reliance is an unregistered one. The petitioner had put up a small building and he seeks providing of electricity service connection for the same.

3. The learned counsel appearing for the fourth respondent contended that patta is only in favour of Pandi Moopanar and Chinna Alagan. On the other hand, the petitioner contended that he is also having patta in his favour. It is seen that the fourth respondent is a retired school Teacher. The petitioner is a poor farmer. The petitioner states that he is residing in the premises in question along with his widowed daughter and grand children. Though there is a title dispute between the petitioner and the fourth respondent, nothing stops the TANGEDCO from granting the electricity service connection to the petitioner after obtaining indemnity bond from the petitioner. Regulation 27(4) of Tamil Nadu Electricity Regulatory Commission Tamil Nadu Electricity Distribution Code provides for the same. This is the case, in which, TANGEDCO can invoke such powers. Therefore, I direct the third respondent to provide electricity service connection to the petitioner based on his application and subject to fulfillment of other usual formalities. If needed, the third respondent shall also avail police aid. The petitioner through his counsel gives an undertaking that if the fourth respondent files any civil suit against him, the order now granted by this Court will not be taken advantage. In other words, the civil dispute between the petitioner and the fourth respondent will be resolved independently and without any reference to the present proceedings.

4. With the above observation and clarification, the Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

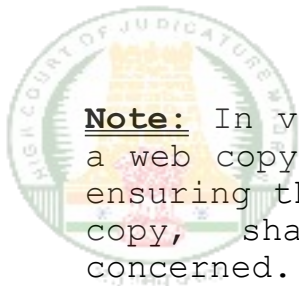
Assistant Registrar (Records)

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/ /2020

Sub Assistant Registrar(CS)

vrn



**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.

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**SCR (CO)**

**AP (05/10/2020) 3P 4C**