



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.08.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.8625 of 2020

R.Santhi

... Petitioner

Vs.

1.The Divisional Superintending Engineer,
Tamil Nadu Generation and
Distribution Corporation Limited,
Virudhunagar District, Virudhunagar.

2.The Assistant Engineer,
(Operation and Maintenance),
Tamil Nadu Generation and
Distribution Corporation Ltd.,
TANGEDCO (East), Ponnagaram,
Rajapalayam, Virudhunagar District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to receive the petitioner's application for electricity connection and consequently direct them to effect electricity connection to her house at Door No.1262A, Ward No.18, Malaiyadipatti, Rajapalayam Town, Virudhunagar District.

For Petitioner : Mr.A.Balaji
For Respondents : Mr.M.Rajeswari for
Mr.S.M.S.Johny Basha, Standing Counsel.

ORDER

Heard the learned counsel appearing for the petitioner and the learned Standing counsel appearing for the respondents/TANGEDCO.

2. The petitioner got married to Rajasekar @ Rajasekaran. But the relationship between them suffered a break down. The petitioner therefore filed a maintenance suit in O.S.No.359 of 2011 before the Principal District Munsif Court, Srivilliputhur. The maintenance decree was passed on 07.11.2013. The petitioner states that to enforce the same, she filed an execution petition and also attached her husband's property. The petitioner now resides in the premises bearing Door No. 1262A, Malayadipatti, Rajapalayam Taluk, Virudhunagar District. According to the petitioner, her husband is residing in the adjacent premises.

3. The petitioner's counsel clearly states that the premises occupied by the petitioner is physically separated and segregated from the one occupied by her husband. This submission of the petitioner's counsel is placed on record.



4. According to the petitioner, angered by her attachment proceedings initiated by her, her husband had got the electricity service connection enjoyed by her to be cut off. The petitioner now wants an independent connection on her own.

5. I am of the view that the respondents need not hesitate to provide the electricity service connection sought for by the petitioner. The petitioner is a deserted woman. The petitioner however has not been formally divorced. In any event, the petitioner will be entitled to the right of residence. When the petitioner specifically alleges that she is being deprived of a fundamental amenity, namely, supply of electricity, it is the duty of the respondents herein to provide her the same.

6. It is true that the premises occupied by the petitioner does not belong to her. It is in the name of her husband. But the respondents will have to necessarily take note of the maintenance decree obtained by the petitioner against her husband. That apart, Regulation 27(4) of the Tamil Nadu Electricity Distribution Code enables them to provide electricity service connection, even if the property does not belong to the applicant.

7. The respondents can always take an indemnity bond from the petitioner and provide the same. Therefore, this Court direct the respondents to provide an independent electricity service connection to the petitioner in respect of the above mentioned premises. Of course the petitioner has to comply with all the usual formalities. The petitioner also will furnish an indemnity bond in favour of the respondents. The entire exercise shall be concluded within a period of six weeks from the date of receipt of a copy of this order. If the petitioner's husband causes any obstruction, the respondents can take police protection to enforce the order of this Court.

8. This writ petition stands allowed. No costs.

Sd/-

Assistant Registrar ()

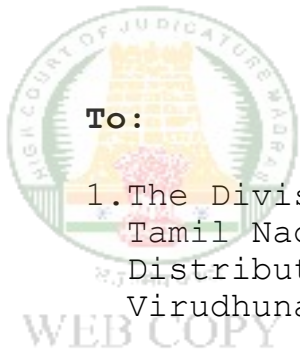
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Sub Assistant Registrar(CS)

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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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SPU (02.09.2020) 3P 3C