



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.09.2020

CORAM

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

WP(MD)No.10086 of 2020

WEB COPY

Sugumar

... Petitioner

Vs.

1.The Superintending Engineer,
TANGEDCO, EB Complex,
Old Bus Stand, Pudukkottai,
Pudukkottai District.

2.The Assistant Electrical Engineer,
TANGEDCO, Kunnandar Kovil,
Pudukkottai District.

3.The Tahsildar, Kulathur Taluk,
Pudukkottai District.

4.Thirugnanasammantham

... Respondents

PRAYER:

Writ Petition filed under Article 226 of Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the second respondent in Ka.No.2.Me.Po/E.Ka/Ku.Kodar/Ko/Puhar/A.No.128/2020 dated 04.08.2020 and quash the same as illegal and further directing the second respondent to provide Electricity Service Connection to the petitioner's house situated in S.No.421/2 situated at T.Kizhaiyur, Kulathur Taluk, Pudukkottai District.

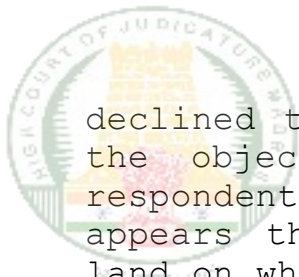
For Petitioner	:	Mr.R.Maheswaran
For Respondents No.1&2:		Ms.M.Rajeswari
		For SMS.Johny Basha
For Respondent No.3	:	Mr.M.Rajaraman, AGP
For Respondent No.4	:	Mr.P.Ganapathi Subramaniam

ORDER

Heard the learned counsel for the petitioner, the learned standing counsel for the respondents 1 and 2 and the learned Additional Government Pleader for the 3rd respondent and also the counsel for the fourth respondent.

2.The petitioner had put up a residential building in Survey No.421/2 in T.Kizhaiyur, Kulathur Taluk, Pudukkottai District. He applied for electricity service connection. The

<https://hcservices.ecourts.gov.in/hcservices/>



declined the said request and returned the application by citing the objection raised by the fourth respondent. The fourth respondent is none other than the petitioner's brother. It appears that the fourth respondent is laying some claim on the land on which the residential building has been put up.

WEB COPY

3.It is not in dispute that the petitioner is also a co-owner in respect of the land in question. But, there cannot be any doubt that it was the petitioner who put up the residential building. The property was also assessed to house tax. If the fourth respondent has any civil claim against the petitioner herein, it is for the fourth respondent to move the jurisdictional court for appropriate relief. Supply of electricity is a fundamental amenity. Section 43 of the Indian Electricity Act mandates electricity supply to any applicant provided he fulfils the usual formalities. It is seen that the petitioner has fulfilled all the formalities.

4.Therefore, TANGEDCO is mandated to accept the petitioner's application and on compliance of the usual formalities, provide electricity connection to the petitioner expeditiously and without any delay. If the fourth respondent obstructs while providing electricity supply, it is open to the TANGEDCO authorities to avail police aid. The order impugned in this writ petition is quashed. This writ petition is allowed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

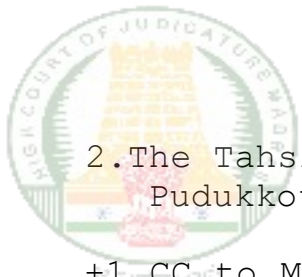
skm

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 Superintending Engineer,
TANGEDCO, EB Complex,
Old Bus Stand, Pudukkottai,
Pudukkottai District.

<https://hcservices.ecourt.gov.in/hcservices/>



2.The Tahsildar, Kulathur Taluk,
Pudukkottai District.

+1 CC to Mr.R. MAHESWARAN, Advocate (SR-17497
[F] dated 21/09/2020)

+1 CC to SGP (SR-17582[F] dated 21/09/2020)

WP (MD) No.10086 of 2020

18.09.2020

SCR(CO)

KM (07.10.2020) 3P 5C