



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.18366 of 2019

N.Muthukumar

... Petitioner

Vs

1.The Assistant Executive Engineer (Distribution),
Tamil Nadu Generation and Distribution
Corporation (TANGEDCO),
Valliyoor, Tirunelveli District.

2.The Assistant Engineer (Distribution),
Tamil Nadu Generation and Distribution
Corporation (TANGEDCO),
T.Kallikulam, Radhapuram Taluk,
Tirunelveli District.

3.Thiruvavaduthurai Aadheenam,
Thiruvavaduthurai,
through its Aadheenakartha,
Sri.La.Sri.Sivapradasapandara Sannithi Avargal,
Mayiladuthurai Taluk,
Nagapattinam District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the second respondent in his proceedings bearing க.எண் உ.போ.வி.க.குளம்.சூ.கா.கட்.டு.அ.எண் 43/19 dated 13.04.2019 and quash the same as illegal and unconstitutional, consequently direct the second respondent to provide electricity connection in S.No: 678, at D.No.165, Middle Street, Kadambankulam, South Valliyoor, Radhapuram Taluk, Tirunelveli District within the time stipulated by this Court.

For Petitioner : Mr.S.Balamurugan

For R-1 & R-2 : Ms.M.Rajeswari
for Mr.S.M.S.Johny Basha

For R-3 : Mr.M.Ramu



ORDER

Heard the learned counsel appearing for the petitioner as well as the learned Standing Counsel appearing for the respondents 1 and 2 and the learned Standing counsel appearing for the third respondent Aadheenam.

2. The petitioner claims to be in possession of the petition mentioned premises. He wants provision of electricity connection. He submitted a request to the second respondent. The second respondent by the impugned order dated 13.04.2019, rejected the request since consent from the land owner has not been produced. This order is put to under challenge in this Writ Petition.

3. The learned counsel appearing for the third respondent Aadheenam states that the petitioner has not bothered to obtain a regular lease from the third respondent and he is trying to get a service connection behind the back of the landlord.

4. I am of the view that in the case on hand, the application for electricity service connection will have to be considered in the light of Rule 27(4) of Tamil Nadu Electricity Distribution Code, 2004. The said provision reads as follows:-

"(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 off effecting service connection to the occupant and acceptance to pay security deposit twice the normal rate."

5. If the owner declines to give consent letter, the intending consumer has to take recourse to the above provision.

6. The learned Standing Counsel states that the petitioner only gave a mere letter and that he has not submitted a formal application. Therefore, the petitioner is directed to submit a formal application to the second respondent and the second respondent is directed to consider the case of the petitioner in terms of Rule 27(4) of the Tamil Nadu Electricity Distribution Code, 2004. The order impugned in the Writ Petition is set aside.



7. The Writ Petition stands disposed of in the above terms.
No costs.

Sd/-

Assistant Registrar (CS-II)

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// True Copy //

/ /2020

Sub Assistant Registrar(CS)

tsg

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

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