



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.08.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.6388 of 2017

A.Jothiguru

... Petitioner

Vs.

1.The Superintendent Engineer
Office of the Superintendent Engineer
Tamil Nadu Electricity Board
Near RDO Office
Ramanathapuram

2.The Assistant Engineer (Rural)
Office of the Assistant Engineer
Tamil Nadu Electricity Board
Near RDO Office
Ramanathapuram

3.S.Jeganathan

4.S.Arumugam

5.Mrs.Saroja

6.V.Muruganantham

7.V.Balasubramanian

... Respondents

(Respondents 3 to 7 are impleaded vide Court order dated 16.07.2020 in W.M.P(MD).No.4016 /2019 in W.P(MD). No.6388 of 2017)

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to provide electricity connection to the petitioner's property at Grama Natham Survey Number 660/13A, Thirupullani Group, Thirupullani Village, Ramanathapuram Taluk, Ramanathapuram District by considering the representation of the petitioner dated 23.12.2016.

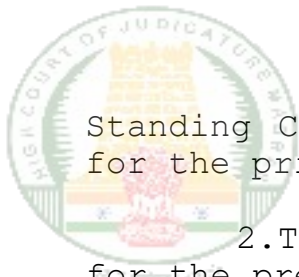
For Petitioner : Mr.J.Barathan
For M/s.T.R.Jeyapalam

For R1 & R2 : Ms.M.Rajeswari
For M/s.S.M.S.Johnny Basha
Standing Counsel

For R3 to R7 :Mr.D.Senthil

O R D E R

Heard the learned counsel for the writ petitioner, learned
<https://hcservices.ecourts.gov.in/hcservices/>



Standing Counsel for the Electricity Board and the learned counsel for the private respondents.

2.The petitioner seeks a provision of electricity connection for the premises put up in the petition mentioned land. It is not in dispute that the petitioner and the private respondents are locked in a litigation before the civil Court. The patta is very much standing in the name of the private respondents. The private respondents have filed a civil suit for declaration and recovery of possession. The petitioner has applied for injunction. Since the petitioner is in occupation, the case has to be considered in the light of Rule 27(4) of the Tamil Nadu Electricity Distribution Code 2004. The said regulation reads as under:

"27.Requisitions for Supply of Energy:

(1)....

(2)...

(3)...

(4). *An intending consumer who is not the owner of the premises 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."*

3.Therefore, the second respondent is directed to grant service connection to the petitioner in terms of the aforesaid regulation. Since the civil suit is pending between the parties, I make it clear that the petitioner cannot claim any advantage or right by virtue of this order. I am granting relief to the petitioner only by taking note of the fact that the petitioner is admittedly in possession of the property. According to the private respondents, the petitioner is an Othitharar. Therefore, the rights of the parties will be abide by out come of the civil proceedings which they are presently still pending.

4.This writ petition stands allowed on these terms. No costs.

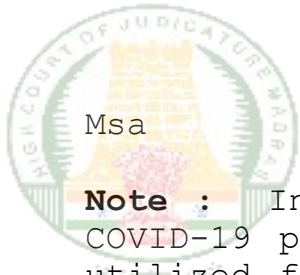
Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



Msa

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.

+1 CC to M/s.T.R. JEYAPALAM, Advocate (SR-13757[F] dated 06/08/2020)

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