



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.15351 of 2013

And

M.P.No. 1 of 2013

V.Durai

...Petitioner

Vs

1. The Assistant Engineer  
Tamilnadu Electricity Board  
Perungudi, South, Chennai - 96.

2. The Chairman  
Tamilnadu Electricity Board  
800, Anna Salai, Chennai -2.

3. Kannaiyan

...Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus forbearing the respondents from interfering with the petitioner's enjoyment of electricity supply underground cable in the common passage in S.No. 441/14, post office street, Okkiyam Thoraipakkam, Chennai - 96.

For Petitioner : Mr. G.Appavu

For RR 1 & 2 : Mr.L.Jaivenkatesh  
Standing Counsel for  
TNEB/TANGEDCO

For 3<sup>rd</sup> Respondent: Mr. G.Dilip Kumar

O R D E R

The relief sought for in the present Writ Petition is to forbear the respondents from interfering with the petitioner's enjoyment of electricity supply underground cable in the common passage in S.No. 441/14, post office street, Okkiyam Thoraipakkam, Chennai - 96.



2. The grievance of the writ petitioner is that by laying electricity cable power supply has been provided in the premises of the writ petitioner. The writ petitioner is using the electricity power supply and paying the consumption charges as per the demand made by the Tamil Nadu Electricity Board.

3. The learned counsel for the petitioner states that the third respondent, due to some vengeance, raising an objection and insisting the Board Authorities for removal of electricity cable from the common passage.

4. The learned counsel for the third respondent reiterated that it is a private passage which is to be used only by the third respondent and therefore, the cable is to be removed.

5. This Court is of the considered opinion that under Regulation 29(6) of the Distribution Code, the Electricity Board Authorities are empower to lay electricity cable even through common passages in the public interest stand for providing electricity supply to the customers when such statutory powers are conferred on the electricity board, the objection raised by the third respondent cannot be considered. Electricity being an essential service, the essential service is to be provided to the consumers by following the principles. The objections raised by the third respondent cannot be considered and the petitioner is entitled to continue the electricity power supply through the connection already given by the Electricity Board Authorities.

6. With these clarifications, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsg



To

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Tamilnadu Electricity Board  
Perungudi, South, Chennai - 96.

2. The Chairman  
Tamilnadu Electricity Board  
800, Anna Salai, Chennai -2.

+1 CC to Mr.G.Appavu, Advocate sr 63366

+1 CC to Mr.G.D. Dilip Kumar, Advocate sr 63573.

W.P.No.15351 of 2013

And

M.P.No. 1 of 2013

PMK (CO)  
SP (27/12/2021)