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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.08.2021

CORAM:

THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

W.P. No. 12373 of 2021
and WMP No.13146 of 2021

Kalavathi

...Petitioner

Vs.

1. The Chairman cum Managing Director,
TANGEDCO,
10th Floor, NPKRR Maaligai
No.144 Anna Salai
Chennai 600 002
2. The Executive Engineer,
TANGEDCO, Pachavadi Sreenivasapuram
Mayiladuthurai Town and District.
3. The Assistant Executive Engineer,
TANGEDCO, Town Station Road,
Mayiladuthurai Town and District.
4. The Assistant Engineer,
(Operation and Maintenance)
TANGEDCO, West Town Division,
Mayiladuthurai Town and District.
5. The Association of Residents Welfare,
Rep. By its Secretary Saba,
No.29 Mayuranathar Nagar, 2nd street,
MelaathaSaragu, Koorainadu
Mayiladuthurai Town and District.

...Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records of the 4th respondent impugned order No.Ka.No.OOMe.Po/E & para/Nagaram/West/No.43 dated 29.06.2020 and quash the same and consequentially direct the 4th respondent to sanction fresh electricity connection based on the application dated 30.05.2020, vide application No.521-052-0367 within a time to be fixed by this Court.



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For Petitioner : Ms.N.Alamelu Mangai

For Respondents : Mr.M.Abul Kalam
standing counsel for R1 to R4
M/s.P.Sri Vidhya for R5

O R D E R

This writ petition has been filed challenging the impugned proceedings of the 4th respondent dated 29.06.2020 and for a consequential direction to the 4th respondent to sanction electricity service connection based on the application submitted by the petitioner on 30.05.2020.

2.When the matter came up for hearing on 05.08.2021, this Court passed the following order:

"The petitioner had sought for electricity service connection for the newly constructed first floor in the property. The petitioner is already having a service connection for the ground floor. The request made by the petitioner has been rejected by the 4th respondent through the impugned letter dated 29.06.2020.

2.This Court asked the learned counsel for the petitioner to show the sanction that was obtained for the petitioner for putting up the first floor. The learned counsel for the petitioner sought for time to take instructions in this regard.

3.It is made clear that if there is no sanction for putting up the first floor, this Court will not issue any directions for electricity service connection. Therefore, the relief to be given in the present writ petition will depend upon the answer that will be provided by the learned counsel for the petitioner for the query posed by this Court.

4.Post this case under the caption 'For Orders' on 12.08.2021."

3. When the matter was taken up for hearing today, the learned counsel for the petitioner, based on instructions, submitted that there was no sanction obtained for putting up the construction in the first floor and in fact what has been put up as first floor is only four walls covered with Asbestos sheet. The learned counsel, therefore, submitted that no sanction is required for putting up such a structure. The learned counsel further submitted that the property belongs to the endowment and the petitioner is in possession of the same and therefore, the



respondents may be directed to take an indemnity bond from the petitioner and grant electricity service connection.

4. In the considered view of this Court, it is true that this Court had passed orders to the effect that even encroachers are entitled for electricity service connection. That does not mean that a person can put up any structure and seek for service connection. The nature of construction that has been put up in the first floor is totally irrelevant. The fact remains that the petitioner is claiming that there is a first floor available in the property. There is already a service connection granted to the ground floor. If there is a first floor, as admitted by the petitioner, necessarily it has to have a sanction. Without such a sanction, if electricity service connection is given, it will only lead to proliferation of illegal structures. This Court will not be a party to such illegalities and encourage such illegal construction.

5. In view of the above discussion, this Court does not find any ground to interfere with the impugned proceedings of the 4th respondent and accordingly, the present writ petition is dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

RR

To

1. The Chairman cum Managing Director,
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Chennai 600 002
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TANGEDCO, Pachavadi Sreenivasapuram
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3. The Assistant Executive Engineer,
TANGEDCO, Town Station Road,
Mayiladuthurai Town and District.



4. The Assistant Engineer,
(Operation and Maintenance)
TANGEDCO, West Town Division,
Mayiladuthurai Town and District.

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+1 CC to M/s.Alamelu Mangai, Advocate, Sr.No. 40153.

+1 CC to Mr.M.A.Kalam, Advocate, Sr.No. 40664.

W.P.No. 12373 of 2021

PCH(CO)
LS(14/09/2021)