



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2021

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.No.29591 of 2014

and

M.P.No.1 of 2014

M.Baskaran

...Petitioner

Vs.

1.The Assistant Engineer
(Operating and Maintenance)
TANGEDCO
Othakuthirai
Gobichettipalayam Taluk
Erode District.

2.Varadarajan.

3.The Tahsildar
Gobichettipalayam.

...Respondents

(R3 Suo Motu impleaded vide Court order dated 07.01.2019, made in W.P.No.29591 of 2014.)

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to Letter No.AE/O&M/OKU/Mugavar/KO.Kattu/No.219/2014 dated 10.10.2014 issued by the 1st respondent herein and to quash the same and to direct the 1st respondent to issue Electricity Service Connection under the Self Finance Scheme to the petitioners bore well situated in S.No.261/6 in Vellapalayam Village, Gobichettipalayam Taluk, Erode District.

For Petitioner : Mr. A.K.Kumarasamy
for Mr. S.Kaithamalai Kumaran.

For Respondent 1 : Mr. L.Jai Venkatesh
for TANGEDCO

For Respondent 2 : N.Manokaran.



O R D E R

The order impugned dated 10.10.2014 passed by the 1st respondent is under challenge mainly on the ground that the 2nd respondent had raised an objection for laying electricity cable for the purpose of providing service connection to the petitioner, in his agricultural land. Admittedly, the petitioner submitted an application for providing electricity service connection for agricultural purpose and the application was considered and the grant of connection was sanctioned.

2. However, the 2nd respondent had raised an objection merely on the ground that the cable cannot be laid through his land. Such an objection cannot be considered in view of the fact that electricity is an essential service and under Regulation 27 (6) of the Tamilnadu Electricity Distribution Code, 2004, the Electricity Board Authorities are empowered to lay electricity cables even through private lands.

3. This being the provisions of the Tamilnadu Electricity Distribution Code, private individual cannot raise objection for laying electricity cable for the purpose of providing electricity connection, more specifically, in the present case for agricultural purposes.

4. The very purpose and object of the Tamilnadu Electricity Distribution Code is to ensure that electricity, being an essential service has to be provided to everyone who all are eligible. It may not be possible by the Board to provide electricity service connection only through public land, as on some occasion, it may involve more expenditure and they have to lay electricity cable for considerable length, which is not desirable. Therefore, in the interest of public, the Code stipulates that electricity cable can be laid by the Board even through private lands for providing electricity connection and any such objection raised by any other person has to be rejected.

5. This being the facts and circumstances, the objections raised by the 2nd respondent is not tenable in view of Regulation 27(6) of the Tamil Nadu Electricity Distribution Code and consequently, the order impugned passed by the 1st respondent in Letter No.AE/O&M/OKU/Mugavar/KO.Kattu/No.219/2014 dated 10.10.2014 is quashed. The 1st respondent is directed to provide Electricity Service Connection to the petitioner for agricultural purposes as per the sanction order, within a period of eight weeks, from the date of receipt of a copy of this order.



6. With this direction, the Writ Petition stands allowed. Consequently, connected Miscellaneous Petition is closed. No costs.

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s/d-
Assistant Registrar

//True Copy//

Sub-Assistant Registrar

shr/kan
To

1.The Assistant Engineer
(Operating and Maintenance)
TANGEDCO
Othakuthirai
Gobichettipalayam Taluk
Erode District.

+1 CC to Mr.S.Kaithamalai Kumaran, Advocate sr 64027
+1 CC to Mr.N. Manokaran, Advocate sr 64228.

W.P.No.29591 of 2014
and
M.P.No.1 of 2014

RSI (CO)
SP(17/12/2021)