



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.03.2021

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THE HONOURABLE MR.JUSTICE V.PARTHIBAN

**W.P(MD)No.629 of 2021**

J.Thahanazeer

... Petitioner

Vs

The Assistant Engineer,  
(Distribution / Town),  
Tamil Nadu Generation and Distribution Corporation Ltd,  
(TANGEDCO),  
Ilayangudi,  
Sivagangai District.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for records relating to the impugned order passed by the respondent in his proceedings in [கண்ணீர்/உ.மி.பொ./ந/இளை/வ.அ/அ.எண்.163-2020] dated 02.12.2020 and quash the same and consequently direct the respondents to give electricity service connection to the petitioner's premises 172 B (GRS No.12/374) Ward No.7, Kamaraj Road, Salaiyur, Ilayangudi Town and Taluk, Sivagangai District in the light of the petitioner's application bearing No.200054401120713 dated 04.11.2020 within a time frame as fixed by this Court.

For Petitioner : Mr.Prahalad Ravi.B

For Respondent : Mr.S.M.S.Johnny Basha

**ORDER**

The petitioner is the resident of Sivagangai District residing at Door No.172A, Kamarajar Road, Saliyur, Ilayangudi Town and Taluk. The petitioner's brothers have been in possession of the property on the basis of the family partition. The petitioner appears to have put up construction for shopping premises in the property allotted to him under the partition in the year 1992. There upon the petitioner applied for electricity service connection before the respondent on 04.11.2020 by enclosing all the relevant documents.

2.While matters stood thus, one Jahiral Banu, wife of the petitioner's brother Kajakamaludeen had filed a civil suit in O.S.No.35 of 2020 before the District Munsif, Ilayankudi against the petitioner seeking issuance of bare injunction in the nature of restraining the petitioner from from doing construction work in the property in I.A.No.1 of 2020. However, the interim injunction



application was dismissed on 15.09.2020 and according to the petitioner, against the dismissal of the said application no appeal was preferred.

3. According to the petitioner, the civil court has also given finding that the petitioner in terms of the family arrangement had already put up construction in a portion earmarked to him. After the dismissal of the injunction application, the petitioner made application before the respondents for service connection, however, the same came to be rejected by the respondent by order dated 02.12.2020 on the ground that the documents produced by the petitioner were standing in the name of the father and he has not produced any document establishing his independent right of the property.

4. Notice was ordered in this writ petition. In response to the notice, the respondent has filed a counter affidavit.

5. The learned Counsel appearing for the respondent would submit that if the petitioner makes a fresh application along with the indemnity bond as per provision 27(4) of the Tamil Nadu Electricity Supply Code, subject the outcome of the civil suit in O.S.No.35 of 2020, the authority would consider grant of electricity service connection as requested by the petitioner. Such submission was made during the last hearing of the case and therefore, the writ petitioner was directed to file a memo in terms of the averments contained in the counter affidavit.

6. When the matter is taken up for hearing today, on behalf of the petitioner a memo dated 30.03.2021 has been filed stating that in terms of the averments contained in paragraph No.9 of the counter affidavit filed by the respondent, the petitioner would undertake to submit a fresh application along with indemnity bond as required by the respondent and in the event of compliance of the same, the respondent may be directed to grant service connection as requested by the petitioner within a time stipulated by this Court.

7. In consideration of the above factual narrative, this Court is of the view that no detailed adjudication is required in this case for the reason that on behalf of the respondent the following submission has been made in paragraph No.9 of the counter affidavit:

*"9. I respectfully submit that the petitioner ought to submit fresh application, along with indemnity bond twice rate of deposit as per regulation 27(4) of the Tamil Nadu Electricity Supply Code, 2004 with subject to result of civil suit in O.S.No.35 of 2020 on the file of the District Munsif Court, Ilayankudi."*



8.In view of the above, the petitioner has also come up with the present memo dated 30.03.2021 and the contents of the memo is recorded hereunder:

"It is submitted that the writ petitioner herein has challenged the impugned order passed by the respondent dated 02.12.2020 thereby rejecting his electricity service connection application on untenable grounds. The respondent had filed his counter before the Hon'ble Court stating in para No.9 of the counter that the petitioner ought to submit fresh application along with indemnity bond twice rate of deposit as per Section 27(4) of the Tamil Nadu Electricity Service Code. Further submitted before this Court in the event of filing such fresh application along with the indemnity bond the petitioner's application will be considered for electricity service connection.

On 29.03.2021 when the matter came up before this Hon'ble Court considering the submission of either parties, this Hon'ble Court has directed the petitioner to file a memo in the nature of undertaking to comply with the mandatory requirement under Section 27(4) of the Tamil Nadu Electricity Service Code insofar as the execution of indemnity bond twice rate of deposit before the respondent. The petitioner hereby undertakes to comply with the mandatory requirement as contemplated under Section 27(4) of the Tamil Nadu Electricity Service Code in the event of providing electricity connection to the petitioner's premises. This Hon'ble Court may be pleased to record this undertaking and pass appropriate orders and thus render justice."

9.In view of the above, the impugned order is set aside on the limited ground that it is open to the petitioner to submit a fresh application along with indemnity bond as required by the respondent herein in terms of the guideline 27(4) of the Tamil Nadu Electricity Service Code and if any application is made along with the required indemnity bond, the respondent is directed to grant necessary service connection, if the application is otherwise in order, within a period of two weeks from the date of such application from the petitioner with supportive materials.

10.The writ petition is allowed to the extent indicated above. No costs.

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ASSISTANT REGISTRAR ( RECORDS )

TRUE COPY

/05/2021  
SUB ASSISTANT REGISTRAR ( CS )



To

The Assistant Engineer,  
(Distribution / Town),  
Tamil Nadu Generation and Distribution Corporation Ltd,  
(TANGEDCO),  
Ilayangudi,  
Sivagangai District.

1CC TO MR. B PRAHALAD RAVI, ADVOCATE SR 14891

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03/05/2021

4P/3C

**W.P (MD) No. 629 of 2021**  
**31.03.2021**