



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.14005 of 2020
and WMP.No.17392 of 2020

P.Rajeswari

... Petitioner

Vs.

1. The Executive Engineer (O&M)
TANGEDCO,
Mangalam Road,
Avinashi, Avinashi Taluk,
Tirupur District 641654.
2. The Assistant Executive Engineer (O&M),
TANGEDCO,
Annur North Electricity Distribution Circle,
Annur Post, Tirupur District 641653.
3. The Assistant Engineer,
TANGEDCO,
Sellappampalayam Post,
Tirupur District 638459.

4. C.Sampoornam

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records of the impugned letter issued by the 3rd respondent Letter NO.AEE/O&M/Mu.Mu.Ni/File.Ptn 59/20 dated 12.09.2020 and quash the same.

For Petitioner : Mr.S.Kolandasamy
For RR1 to 3 : Mr.Abdul Kalam, Standing Counsel
For R4 : No appearance

O R D E R

The petitioner has filed this petition seeking issuance of Writ of Certiorari to call for the records of the impugned letter issued by the 3rd respondent Letter NO.AEE/O&M/Mu.Mu.Ni/File.Ptn 59/20 dated 12.09.2020 and quash the same.

2. The case of the petitioner is that the petitioner had



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purchased 3.0 cents from one Yoothamurthy Vakaiyara in the year 1997 and started construction in the end of 2007, however the 4th respondent claimed right over 350 sq.ft from the above said extent. It is alleged by the petitioner that inspite of several representations, he could not obtain fresh domestic electricity supply to his constructed house for the past 10 years, due to the objection raised by the 4th respondent, who told the 3rd respondent that the electricity post which is situated nearby his house, which is a common cart tract, is her land and regarding the said extent of land, the civil suit is pending before the learned District Munsif, Avinashi and the said Suit was decreed in favour of plaintiff and even thereafter also, the petitioner made several representations for domestic electricity service connection, however the 3rd respondent issued a impugned letter on 12.09.2020, stating that unless the petitioner produced No Objection Certificate from the 4th respondent, electricity service connection could not be given. Challenging the said impugned order, the present petition is filed.

3. The learned counsel appearing for the petitioner submitted that initially the petitioner purchased three cents from one Yoothamurthy in the year 1997, however the electricity service connection could not be obtained as the 4th respondent objected the same and the petitioner's representations have also not been considered due to the objection raised by the 4th respondent. Therefore, the petitioner has filed W.P.No.4943 of 2019 to provide electricity connection based on his application dated 28.12.2018 and this Court by order dated 07.03.2019, directed the petitioner to execute a indemnity bond and undertaking as required under Clause 27(4) of the Tamil Nadu Electricity Distribution Code and produce all other relevant documents. In compliance of the said order, the petitioner has also executed indemnity bond under Clause 27(4) of the said Code. Even thereafter, the respondent rejecting the petitioner's application for domestic electricity supply connection, is not sustainable and further with regard to the usage of the Cart Tract common pathway, already the Lower Court decreed the Suit in O.S.No.361/2008 in the year 2013 itself and hence providing domestic electricity service connection to the petitioner is not at all impediment to the respondents 1 to 3 and therefore, this Court may issue appropriate direction to the respondents to provide domestic electricity connection in favour of the petitioner within a reasonable time as fixed by this Court.

4. The learned Standing Counsel appearing for the official respondents submitted that if the petitioner executes indemnity bond under Clause 27(4) of the above said Code, the 3rd respondent will provide electricity connection in favour of the petitioner.



5. Though notice has been served to the 4th respondent, there is no appearance on behalf of him and till date no counter affidavit has been filed by him. This Court has carefully considered the rival submissions and also perused the materials placed before it.

6. Considering the facts and circumstances of the case, it appears that already the Suit was decreed in favour of the petitioner with regard to the usage of the common pathway to reach the petitioner's property and further this Court vide order dated 07.03.2019, directed the petitioner to execute an indemnity bond and undertaking as required under Clause 27(4) of the Tamil Nadu Electricity Distribution Code and produce all other relevant documents. In compliance of the said order, the petitioner has also executed indemnity bond under Clause 27(4) of the said Code. Therefore, in considering the claim of the petitioner for domestic electricity service connection, there will be no impediment to the respondents 1 to 3 to provide fresh domestic electricity service connection to the petitioner's house under Clause 27(4) of the Electricity Distribution Code (EDC).

7. In view of the above, this Writ Petition is allowed and the impugned letter issued by the 3rd respondent Letter NO.AEE/O&M/Mu.Mu.Ni/File.Ptn 59/20 dated 12.09.2020, is set aside and the 3rd respondent is directed to provide domestic electricity service connection within a period of four weeks from the date of receipt of a copy of this order, after obtaining fresh indemnity bond under Clause 27(4) of the Electricity Distribution Code. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VIII)

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Sub Assistant Registrar

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To

1. The Executive Engineer (O&M)
TANGEDCO,
Mangalam Road,
Avinashi, Avinashi Taluk,
Tirupur District 641654.



2. The Assistant Executive Engineer (O&M),
TANGEDCO,
Annur North Electricity Distribution Circle,
Annur Post, Tirupur District 641653.

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3. The Assistant Engineer,
TANGEDCO,
Sellappampalayam Post,
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MT (CO)
CT 17/03/2022