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W.P. Nos.27666 of 2022 etc. batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2022

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. Nos.27666, 27677, 27678, 27680, 27682, 27683 of 2022
and

W.M.P.Nos.26943, 26952, 26953, 26954, 26956, 26958 of 2022

Nabisa	... Petitioner in WP.No.27666 of 2022
Kasthuri	... Petitioner in WP.No.27677 of 2022
Mohamed Naseer	... Petitioner in WP.No.27678 of 2022
Humera	... Petitioner in WP.No.27680 of 2022
Rajkumar	... Petitioner in WP.No.27682 of 2022
Kamrunnisha	... Petitioner in WP.No.27683 of 2022

Vs.

1.The Assistant Engineer,
Tamil Nadu Electricity Generation and
Distribution Corporation, (O&M),
Mangadu Division, Se.Mi.Pa.Taluk (South),
TANGEDCO, Mangadu, Chennai – 600 122.

2.Hazarath Syed Sadik Voliyullah
Dharga & Mosque Trust rep.,
by its Managing Trustee, Mr.S.Ajaz,
No.498 & 499, Syed Sadiq Nagar,
Mangadu, Chennai – 600 122.

... Respondents in all WPs

PRAYER in WP.No.27666/2022 : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the 1st respondent to provide the electricity connection to the petitioner's property situated at Mangadu comprised in survey



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No.101/1A, 111, 101/3, 11.04 Acres bearing Plot No.231 at Syed Sadiq Nagar, Mangadu, Chennai – 600 122.

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PRAYER in WP.No.27677/2022 : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the 1st respondent to provide the electricity connection to the petitioner's property situated at Mangadu comprised in survey No.101/1A, 111, 101/3, 11.04 Acres bearing Plot No.1 at Syed Sadiq Nagar, Mangadu, Chennai – 600 122.

PRAYER in WP.No.27678/2022 : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the 1st respondent to provide the electricity connection to the petitioner's property situated at Mangadu comprised in survey No.101/1A, 111, 101/3, 11.04 Acres bearing Plot No.170 at Syed Sadiq Nagar, Mangadu, Chennai – 600 122.

PRAYER in WP.No.27680/2022 : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the 1st respondent to provide the electricity connection to the petitioner's property situated at Mangadu comprised in survey No.101/1A, 111, 101/3, 11.04 Acres bearing Plot No.611B at Syed Sadiq Nagar, Mangadu, Chennai – 600 122.

PRAYER in WP.No.27682/2022 : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the 1st respondent to provide the electricity connection to the petitioner's property situated at Mangadu comprised in survey No.101/1A, 111, 101/3, 11.04 Acres bearing Plot No.141 at Syed Sadiq Nagar, Mangadu, Chennai – 600 122.

PRAYER in WP.No.27683/2022 : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the 1st respondent to provide the electricity connection to the petitioner's property situated at Mangadu comprised in survey No.101/1A, 111, 101/3, 11.04 Acres bearing Plot No.467 at Syed Sadiq Nagar, Mangadu, Chennai – 600 122.



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For Petitioners : Mr.M.J.Jaseem Mohamed (in all WPs)

For Respondents : Ms.S.Revathy
for Mr.L.Jai Venkatesh
Standing Counsel for R1 (in all WPs)

COMMON ORDER

Since the issue raised in these writ petitions is one and the same, with the consent of the learned counsel appearing for both sides, all these writ petitions were heard together and are disposed by this common order.

2. These writ petitions have been filed by the petitioners who claimed to be the respective tenants of the 2nd respondent Trust. Their grievance is that they have been residing in the respective property belongs to the 2nd respondent for dwelling purpose. In order to get domestic service connection though they applied to the 1st respondent TANGEDCO, they insisted upon to produce the NOC obtained from the 2nd respondent then only the plea of the petitioners to extend the domestic service connection would be considered as against which these writ petitions have been filed.

3. Heard Mr.M.J.Jaseem Mohamed, learned counsel appearing for



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the petitioners who would submit that the petitioners are tenants under the 2nd respondent in the respective premises. While that being so, as a tenant or lessee they are entitled to get domestic service connection and in this regard the petitioners are ready and willing to execute an indemnity bond as desired by the respondent TANGEDCO, however still they insisted upon the petitioners to produce the NOC from the 2nd respondent which the 2nd respondent normally would not give. Therefore, at this juncture, a direction can be given to the respondents to consider the plea of the petitioners to extend the domestic service connection as against the indemnity bond to be executed by each of the petitioners as desired by the respondents.

4. Heard Ms.V.Revathy, learned Standing Counsel appearing for the 1st respondent, who would submit that, as per Clause 27(4) of the Tamil Nadu Electricity Distribution Code, the person who seeks domestic service connection must be a owner of the property concerned or if he is a lessee, he has to get NOC from the owner otherwise atleast an indemnity bond should be executed by him without which the plea shall not be considered, she contended.



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5. I have considered the said submissions made both sides and have perused the materials placed before this Court.

6. Under clause 27(4) of the Distribution Code as stated by the learned Standing Counsel appearing for the 1st respondent either NOC or the indemnity bond either of one can be a valid document to be obtained by the respondent TANGEDCO against which the domestic service connection can be extended to the lessee if he is in occupation of any premises for dwelling purpose. Number of such cases as that of the petitioners have already been considered by this Court. Therefore, following the usual conditions to be imposed in this regard, this Court is inclined to dispose of this writ petition with the following orders:

That there shall be a direction to the 1st respondent to consider the respective plea made by the petitioners for getting domestic service connection to the respective dwelling houses in which they are in occupation which belongs to the 2nd respondent who is the owner of the property, either after getting an NOC from the 2nd respondent or after getting an indemnity bond to be executed by each of the petitioners towards the 1st



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respondent and such service connection shall be extended to the petitioners within a period of four weeks from the date of receipt of a copy of this order.

7. With the above direction, these Writ Petitions are disposed of.

No costs. Consequently, connected miscellaneous petitions are closed.

18.10.2022

Index : Yes/No

Speaking order : Yes/No

Note : Issue order copy on 19.10.2022

Sgl



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To

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The Assistant Engineer,
Tamil Nadu Electricity Generation and
Distribution Corporation, (O&M),
Mangadu Division, Se.Mi.Pa.Taluk (South),
TANGEDCO, Mangadu,
Chennai – 600 122.



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R.SURESH KUMAR, J.

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