



W.P.(MD)No.6264 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.6264 of 2022

Sahaya Reena

... Petitioner

Vs

- 1.The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
SS Campus,
Perumalpuram,
Kottaram – 629 703,
Kanyakumari District.
- 2.The Junior Engineer,
Tamil Nadu Electricity Board,
Kanyakumari Distribution Division,
Kanyakumari & Post – 629 702.
- 3.The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District.
- 4.The Sub Inspector of police,
Kanyakumari Police Station,
Kanyakumari District.
- 5.J.Jancy Sugumar

... Respondents



W.P.(MD)No.6264 of 2022

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to restore the electricity service connection in consumer No.07-142-009-589 given to the petitioner in the premises in resurvey No.551/8A, Kanayakumari Village, Agasteeswaram Taluk, Kanyakumari District and consequently forbear the second respondent from taking any coercive action in respect of the service Connection No.07-142-009-589.

For Petitioner : Mr.N.Dhilip Kumar

For Respondents : Mr.S.Deenadhayalan
Standing Counsel for R.1 & R.2

Mr.M.Prakash
Government Advocate for R.3 & R.4

Mr.C.Kishore for R.5

ORDER

Heard the learned counsel on either side.

2. The petitioner had obtained temporary electricity service connection for the petition mentioned premises. Based on the objection raised by the fifth respondent it was disconnected. That led to filing of this writ petition. The petitioner obtained an order of interim direction and electricity service connection was restored. As on date, the writ petitioner is very much enjoying electricity service connection.



W.P.(MD)No.6264 of 2022

WEB COPY

3. When the matter was taken up for final disposal, the learned counsel appearing for the fifth respondent took me through the averments set out in the counter affidavit as well as the typed set of papers filed by her.

4. After hearing the learned counsel on either side, I am able to note that a classic civil dispute is pending between the parties. But the fact remains that as on date the petitioner is in possession of the land in question.

5. The learned counsel appearing for the fifth respondent would, of course, vehemently contest the very basis on which the petitioner is anchoring her claim. These are matters which the jurisdictional civil Court will have to decide and it is not for me to consider the rival claims.

6. The learned counsel appearing for the writ petitioner drew my attention to the judgment of the Hon'ble Supreme Court rendered on 13.05.2022 in Civil.A.No.810 of 2022. The Hon'ble Supreme Court held that it is now a well settled proposition of law that electricity is a basic amenity of which a person cannot be deprived of. The authority has only to examine whether the applicant for electricity connection in occupation of the premises in question.



W.P.(MD)No.6264 of 2022

In fact Regulation 27(4) of the Tamilnadu Electricity Distribution Code is on the same lines. It reads as follows:

“(4). An intending consumer who is not the owner of the premises shall produce a consent letter in Form 5 of Annexure III to this code from the owner of the premises for availing the supply. If the owner is not available or refuses to give consent letter, the intending consumer shall produce proof of his/her being in lawful occupation of the premises and also execute an indemnity bond in Form 6 of the Annexure III to this code indemnifying the licensee against any loss on account of disputes arising out off effecting service connection to the occupant and acceptance to pay security deposit twice the normal rate.”

7. Here, the petitioner claims both title and possession over the property.

The parties, of course, will have to abide by the eventual outcome of the civil proceedings. Till such time, subject to the outcome of the civil suit filed by the petitioner in O.S.No.86 of 2022 on the file of Principal District Judge, Nagercoil, Kanyakumari District the petitioner cannot be denied the benefit of supply of electricity. The interim direction earlier given is made absolute. This writ petition is allowed. I reiterate that allowing this writ petition will not cast any cloud over the claims of the fifth respondent. It is stated that the fifth respondent had filed an appeal questioning the deletion of her name from the



W.P.(MD)No.6264 of 2022

revenue records. The revenue authority will decide the matter independently.

Likewise, the jurisdictional civil Court will also independently decide the suit filed by the writ petitioner. The respective contentions of the writ petitioner as well as the fifth respondent are left open. No costs.

17.08.2022

Index : Yes / No
Internet : Yes/ No
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W.P.(MD)No.6264 of 2022

G.R.SWAMINATHAN, J.

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W.P.(MD)No.6264 of 2022

17.08.2022