

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.15255 of 2020 and
W.M.P.(MD)No.12814 of 2020

N.Palanimanickam

... Petitioner

Vs.

1 The Assistant Executive Engineer,
Operation and Maintenance,
Tamil Nadu Generation and
Distribution Corporation Ltd,
(TANGEDCO),Thiruverumbur,
Trichy District.

2 The Assistant Engineer(Electrical),
Operation and Maintenance,
Tamil Nadu Generation and
Distribution Corporation Ltd,
(TANGEDCO),Thiruverumbur,
Trichy District.

3 P.Kalyansundaram

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, calling for the records pertaining to the impugned letter passed by the 2nd respondent vide his proceeding in Letter No. VuMi Po/E&Ka/Thiru/Ko.Kattu/No.203, dated 18.09.2020 and quash the same as illegal and directing the respondents 1 and 2

herein to provide domestic electricity service connection to the petitioner's residential house comprised in Survey No. 320/4 bearing Door No.1/89, Kuditheru, Kiliyur, Thogur Post, Thiruverumbur, Trichy District, after taking necessary Indemnity Bond and the payment of proper fees and other charges from the petitioner within the time stipulated by this Court.

For Petitioner : Mr.P.Mahendran
For R-1 & R-2 : Mr.S.Deenadhayalan,
Standing Counsel.
For R-3 : Mr.R.Sundar

* * *

ORDER

Heard the learned counsel on either side.

2. The petitioner's husband and the fourth respondent were brothers. The petitioner's husband is no more. The petitioner had appeared to have put up a house in the joint family property which is said to be the subject matter of the partition suit. In view of the pendency of the partition suit, the petitioner has not obtained the electricity connection.

3. It is well settled that electricity is a fundamental amenity. As per the Regulation 27(4) of the Tamil Nadu Electricity Distribution Code, service connection can be given on execution of Indemnity Bond. That the petitioner is in possession of the petition mentioned house is not in dispute. Therefore, subject to the execution of the Indemnity Bond, the TANGEDCO is directed to give electricity connection and subject to fulfilment of the other usual formalities within a period of four weeks from the date of receipt of a copy of this order. The TANGEDCO will not insist on production of the property tax receipt by the writ petitioner.

4. I make it clear that the rights of the writ petitioner will abide by the outcome of O.S.No.1151 of 2016 on the file of the I Additional Sub Judge, Trichy. This writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

25.08.2022

Index : Yes / No

Internet : Yes/ No

PMU

G.R.SWAMINATHAN,J.

PMU

To:

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Distribution Corporation Ltd,
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- 2 The Assistant Engineer(Electrical),
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