



W.P.(MD)No.23200 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.10.2022

CORAM

THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.23200 of 2022

Fathima Kani, W/o.(Late) Hakkim

.. Petitioner

Versus

- 1.The Assistant Engineer,
(Operation and Maintenance),
TANGEDCO/Thiruvaiyaru,
Thiruvaiyaru,
Thanjavur District.
- 2.The Assistant Executive Engineer,
TANGEDCO/Thiruvaiyaru,
Thiruvaiyaru,
Thanjavur District.
- 3.The Executive Engineer,
TANGEDCO,
Thanjavur,
Thanjavur District.
- 4.The Superintending Engineer,
TANGEDCO,
(Near Manimandapam),
Thanjavur,
Thanjavur District.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to give electricity connection to Plot No.17, Vayal Street, Nadukadai, Thiruvaiyaru Taluk, Thanjavur District, considering the petitioner's representation, dated 28.06.2022.



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For Petitioner : Mr.S.Sarabeswaran
For Respondents : Mr.S.Deenadhayalan
Standing Counsel

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the respondents to give electricity connection to Plot No.17, Vayal Street, Nadukadai, Thiruvaiyar Taluk, Thanjavur District, by considering her representation, dated 28.06.2022.

2.Heard Mr.S.Sarabeswaran, learned counsel appearing for the petitioner and Mr.S.Deenadhayalan, learned Standing Counsel, who takes notice for the respondents. By consent of the learned counsel appearing for the parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The case of the petitioner is that she entered into an agreement to purchase Plot No.17, Vayal Street, Nadukkadai, Kalyanapuram 1st Sethi, Thiruvaiyaru Taluk, Thanjavur District, wherein she is residing for the past 15 years, from one Hajammal, W/o.Mohammed Ali of the same Village on 30.07.2007. The petitioner submits that no Panchayat approval/permission has been granted so far by the said Village Panchayat and also, there is no road or electricity service connection to the above said Vayal Street. When the



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petitioner approached the promoter namely, Hajammal about the grievances as stated above, she refused to register Plot No.17 as per the agreement entered between her and the petitioner. Hence, the petitioner filed a suit in O.S.No.22 of 2018 for specific performance before the Additional Sub-Court, Thanjavur and the same is pending. In the meanwhile, the petitioner applied for the electricity service connection in the first respondent's office stating all the facts and filing necessary documents along with Form-VI (Deed of Indemnity). However, the first respondent refused to accept the petitioner's application and returned all the documents orally stating that without house tax receipt, they shall not give the electricity service connection.

4.On a perusal of the typed set of papers filed by the petitioner, it is seen that she has filed the agreement entered between herself and Hajammal, dated 30.07.2007, Residence Certificate, dated 14.04.2022, Aadhaar Card, Family Card and Voter ID. The petitioner has also filed the Indemnity Bond, dated 23.06.2022, stating that she is the owner of the said Plot and requested the Electricity Board to give electricity service connection in her name subject to execution of indemnity bond by her, indemnifying the board against any damage or loss caused to the board in respect of the service connection in her name. She has also agreed to indemnify the board against all proceedings, claims, demands, costs, damages, which the Board may incur by reason of a



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fresh service connection without the consent of the owner of the premises.

She further undertakes that the enhanced current consumption deposit paid by her shall be adjusted against the arrears of current consumption charges in the event of termination of agreement prior to the expiry of the contract period. The petitioner also undertakes that the Board is at liberty to disconnect the service connection given to her, if there is any due remaining unpaid by her to other service connections, which stand in her name.

5.In view of the above, the respondents are directed to verify all those documents produced by the petitioner and after obtaining the indemnity bond from her, shall pass appropriate orders on the representation of the petitioner on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

6.This Writ Petition stands disposed of with the above direction. No costs.

Index : Yes/No

10.10.2022

To

1.The Assistant Engineer,
(Operation and Maintenance),
TANGEDCO/Thiruvaiyaru,
Thiruvaiyaru,

Thiruvavur District.

<https://www.mhc.tn.gov.in/>



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V.BHAVANI SUBBAROYAN, J.

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Order made in
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