



W.P(MD)No.67 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.10.2022

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.67 of 2016

P.Arumugam

... Petitioner

Vs.

- 1.The District Collector,
Tirunelveli District.
- 2.The Executive Engineer (Distribution),
Tamil Nadu Electricity Board,
Vallioor,
Tirunelveli District.
- 3.The Junior Engineer (Distribution),
Tamil Nadu Electricity Board,
Perungudi,
Kumarapuram,
Tirunelveli District.
- 4.The Panchayat President,
Avaraikulam Panchayat,
Tirunelveli District.
- 5.Murugan,
Bill Collector,
Avaraikulam Panchayat,
Tirunelveli District.



W.P(MD)No.67 of 2016

6.P.Ganesan

... Respondents

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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents No.1 to 3 to consider the representation dated 23.12.2015 and 28.12.2015 by disconnecting the EB connection in E.B.No. 071/013/546 and to take necessary action against the fifth respondent.

For Petitioners : Mr.M.Ramu

For R1 & R4 : Mr.B.Saravanan
Additional Government Pleader

For R2 & R3 : Mr.S.Deena Dhayalan
Standing Counsel

For R6 : Mr.P.Vel Murugan

ORDER

The present writ petition has been filed seeking a writ of Mandamus, directing the Tamil Nadu Electricity Board to disconnect the service connection effected to the sixth respondent herein.

2. According to the learned counsel for the petitioner, the land belongs to Thiruvavaduthurai Athinam and without obtaining any consent from the Thiruvavaduthurai Athinam, the sixth respondent has



W.P(MD)No.67 of 2016

trespassed into the agricultural land and he has put up construction.

Based upon the said construction, the Electricity Board has provided service connection to the sixth respondent herein. Hence, the petitioner has given representations, dated 23.12.2015 and 28.12.2015 for disconnecting the service connection on the ground that originally the service connection has been effected without obtaining consent from Thiruvavaduthurai Athinam.

3. According to the learned standing counsel appearing for the Electricity Board, the sixth respondent has put up a house property and it has been assessed to property tax by the fourth respondent herein. Based upon the property tax receipt issued by the respondents 4 and 5 herein, they have effected service connection. He further contended that if the owner of the premises refuses to give consent letter for granting service connection, the occupier has to execute an indemnity bond. As per the regulation 27(4) of the Tamil Nadu Electricity Distribution Code, the sixth respondent herein has furnished such indemnity bond . Only based upon the indemnity bond, service connection has been effected and hence, the question of disconnection of the said service connection does



W.P(MD)No.67 of 2016

not arise.

WEB COPY

4. I have carefully considered the submissions made on either side.

5. The petitioner/Thiruvavaduthurai Athinam, is aggrieved by effecting electricity service connection in favour of the sixth respondent. According to Athinam, the land belongs to them and the sixth respondent is a trespasser. Without obtaining consent from the Athinam, a service connection has been effected. Hence, they want disconnection of the said service connection. The Tamil Nadu Electricity Board have to follow their regulations, especially, Regulation 27(4) of Tamil Nadu Electricity Distribution Code. As per the said regulation, even if the owner has not consented for giving service connection, they can get a indemnity bond from the occupier and thereafter, provide service connection. In the present case, that regulation has been followed by the Electricity Board and service connection has been effected in favour of the sixth respondent herein. The mode followed by the Electricity Board cannot be found fault with and it is strictly in consonance with the regulations governing in the Electricity Board. Hence, the request of the petitioner



W.P(MD)No.67 of 2016

for disconnecting the service connection cannot be considered. However, if the petitioner is aggrieved over the occupation of the sixth respondent herein, they are at liberty to initiate independent proceedings before the appropriate forum.

6. With the above said observations, this Writ Petition stands disposed of. No costs.

20.10.2022

Index : Yes / No
Internet : Yes / No
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To

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- 3.The Junior Engineer (Distribution),
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- 4.The Panchayat President,

5/6



WEB COPY

Avaraikulam Panchayat,
Tirunelveli District.



W.P(MD)No.67 of 2016

R.VIJAYAKUMAR ,J.

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Order made in
W.P(MD)No.67 of 2016

Dated:
20.10.2022