



W.P.No.15051 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.05.2023

CORAM:

THE HONOURABLE MR. JUSTICE P.B.BALAJI

W.P.No.15051 of 2023 & W.M.P.No.14570 of 2023

1 K.Kumaran
2 Meenatchi

Petitioners

vs.

- 1 The Union Territory of Puducherry
Rep. by its Secretary of Government (Electricity)
Puducherry
- 2 The Superintending Engineer
Department of Electricity
Puducherry
- 3 The Executive Engineer
Department of Electricity
Marapalam, Puducherry
- 4 The Assistant Engineer
Department of Electricity
Bagur Sub Station, Puducherry
- 5 The Junior Engineer
Department of Electricity
Bagur Sub Station, Puducherry



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The Director
Settlement and Survey Department-II
Puducherry

Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents 2 to 5 to provide electricity connection to the petitioners' premises situated at No.9, Mahatma Gandhi Street, Kattukuppam, Manapet Post, Bahour Commune, Puducherry 670 402.

For petitioner : Mr.V.Sithannan
For respondents : Mr.A.Tamilvanan
Additional Government Pleader
(Puducherry)

ORDER

This writ petition has been filed seeking a writ of mandamus directing the respondents 2 to 5 to provide electricity connection to the petitioners' premises situated at No.9, Mahatma Gandhi Street, Kattukuppam, Manapet Post, Bahour Commune, Puducherry 670 402.

2 It is the case of the petitioners, who are husband and wife, that they have been in possession and enjoyment of the aforesaid property and



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they have been residing there after constructing a house with asbestos sheet; they do not have electricity supply for their house; for their son's education, they took the assistance of their neighbour in this regard; the Government of Puducherry allotted the housesite in R.S. No.88/28 at Kattukuppam, Bahour Commune, Puducherry, to them considering their possession and enjoyment of the same for over two decades; they have been issued ration card and they have also been paying water tax for the property; but, patta has not yet been issued to them; however, because of a dispute with their neighbour, cases came to be filed.

3 Seemingly, despite the first petitioner's application dated 09.03.2023 to the Department, along with a deed of indemnity undertaking, requesting provision of electricity supply to his premises, till date, electricity supply has not been provided. In fact, it is seen that the fourth respondent has issued a communication on 06.04.2023 calling upon the first petitioner to produce occupation certificate from the Tahsildar, which was also complied with by him on 11.04.2023, along with other relevant documents. To be noted, the petitioners' son is studying X standard.



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The learned counsel for the petitioners placed reliance upon several decisions of this Court and also the Supreme Court, wherein, it has been held in no uncertain terms that right to electricity supply cannot be denied to a person on the ground of dispute with his neighbour or for other extraneous considerations.

5 Heard both sides.

6 Considering the seriousness of the matter and the prejudice that would be caused to the petitioners and their family if they continue to suffer sans electricity connection, despite having made an application as early as on 09.03.2023, this Court directs the fourth respondent, who is the authority concerned, to take appropriate action on the first petitioner's application dated 09.03.2023 and pass orders thereon, within a period of one week from the date of receipt of a copy of this order. Needless to state that the first petitioner shall cooperate with the fourth respondent in the event of the latter seeking any further documents for providing electricity connection.



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Connected W.M.P. stands closed.

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Note to Office: Issue order copy by 12.05.2023

To

- 1 The Secretary of Government (Electricity)
Union Territory of Puducherry
Puducherry
- 2 The Superintending Engineer
Department of Electricity
Puducherry
- 3 The Executive Engineer
Department of Electricity
Marapalam, Puducherry
- 4 The Assistant Engineer
Department of Electricity
Bagur Sub Station, Puducherry
- 5 The Junior Engineer
Department of Electricity
Bagur Sub Station, Puducherry
- 6 The Director
Settlement and Survey Department-II

5/6



Puducherry

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P.B.BALAJI, J.

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