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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.08.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.4546 of 2021

T.Kulathuran

... Petitioner

vs.

The Executive Engineer,
Distribution Circle,
TANGEDCO,
Nagercoil,
Kanyakumari District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the respondent vide proceedings in க.எண். செ.பொ/வி/நாகர்/வ.ஆ/கோ.புகார்/ஆர்.2163/20 நாள்: 13.04.2020 and quash the same as illegal and consequently direct the respondent to provide domestic electricity service connection to the petitioner's house situated in S.No.E5/20-36, Paippuvilai, Yadavar Colony, Water Tank Road, Nagercoil-1.



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For Petitioner : Mr.D.Saravanan
For Respondent : Mr.S.Deenadhayan
Standing Counsel

ORDER

This Writ Petition has been filed for Writ of Certiorarified Mandamus to quash the impugned order, dated 13.04.2020 with a consequential direction to the respondent to provide domestic electricity Service connection to the petitioner's house situated in S.No.E5/20-36, Paippuvilai, Yadavar Colony, Water Tank Road, Nagercoil-1.

2. The petitioner belongs to Vadaku Yadava Community. The said community has formed a Trust in the name of Style of “Vadaku Yadava Samudhaya Trust” and the petitioner was allotted 1.5 cents land through the said trust and he is in possession of the land from the year 1981 onwards. The petitioner has also paid a sum of Rs.500/- as contribution from 03.01.1981 to the said Trust. However, there was a dispute between the petitioner and one of the trustees namely, K.Ramasamy. Therefore, there was an objection from the trustee



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for granting service connection to the petitioner. The said Ramasamy has entered tenancy agreement with one Mani, and the said Mani in turn has filed a Suit in O.S.No.498 of 2011 on the file of First Additional District Munsif Court, Nagercoil and the suit was dismissed on 24.10.2016, against which the said Mani have preferred an appeal in A.S.No.18 of 2017 and the same was also dismissed on 19.12.2017.

3. The said Ramasamy has submitted his objections to the TANGEDCO for granting electricity service connection to the petitioner, wherein in the objections it has been stated that one Krishnaveni has also raised an objection for granting electricity connection. The respondent has taken an opinion from the Government Advocate. Based on the opinion, the respondent has rejected the plea of the petitioner through the impugned order, dated 13.04.2020.

4. It is settled preposition that granting of electricity connection will not confer any title. Moreover the electricity is basic necessity. Therefore, this Court is of the considered opinion that the petitioner is entitled to electricity



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connection. Hence, the respondent is directed to grant electricity connection to the petitioner. However, the petitioner is directed to submit an indemnity bond or submit an undertaking as prescribed under the Electricity Act and Regulation Codes. The Electricity Service connection shall be granted to the petitioner after getting the said indemnity bond within a period of two weeks from the date of receipt of a copy of this order.

5. With these observations and directions, this Writ Petition is allowed. There shall be no order as to costs.

Index : Yes / No
Internet : Yes
NCC : Yes / No
Sml/Ksa

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To

The Executive Engineer,
Distribution Circle,
TANGEDCO,
Nagercoil,
Kanyakumari District.



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S.SRIMATHY, J

Sml/Ksa

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