



W.P.(MD).No.9135 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.09.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.9135 of 2020

and

W.M.P.(MD)No.8353 of 2020

S.Arumugam

... Petitioner

Vs.

1.The Superintending Engineer,
TANGEDCO,
Tamilnadu Electricity Board,
Tirunelveli.

2.The Assistant Executive Engineer,
TANGEDCO,
Tamilnadu Electricity Board,
Nayinarayaram,
Kadaiyanallur Taluk,
Tenkasi District.

3.S.Ponnusamy

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a ***Writ of Certiorarified Mandamus***, to call for the records of the relating to the impugned order letter No.Va.Mi.Po.Vi/ Nayinaragaram / Va.Aa / Ko.Manu / A.No.280 /2019, dated 13.12.2019 passed



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by the 2nd respondent and to quash the same and consequently, to direct the respondents to provide electricity connection to petitioner's dwelling house bearing Door No.2/128(1) in Old Survey No.145/2, New Survey No.405, Keelapillaiyarkovil Street, Oormelazhakiyan Village, Kadaiyanallur Taluk, Tenkasi District.

For Petitioner : Mr.T.Indrachithu
For R1 and 2 : Mr.S.Deenadhayalan
For R3 : No appearance

ORDER

This writ petition is filed for writ of *Certiorarified Mandamus*, to quash the impugned order, dated 13.12.2019 passed by the 2nd respondent and consequently, to direct the respondents to provide electricity connection to petitioner's dwelling house bearing Door No.2/128(1) in Old Survey No.145/2, New Survey No.405, Keelapillaiyarkovil Street, Oormelazhakiyan Village, Kadaiyanallur Taluk, Tenkasi District.

2. The contention of the petitioner is that he and his brother 3rd respondent inherited a vacant house plot in the partition deed dated 20.02.1998. The 3rd respondent has inherited the 2nd schedule properties and the petitioner



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has inherited the 3rd schedule properties.

3. On verifying the 4 boundaries, it has been categorically stated in the 3rd respondent's property that the adjacent portion towards the west is the petitioner's house. Likewise, for the petitioner's house, the 4 boundaries are shown wherein the 3rd respondent's property is shown as situated in the east side of the petitioner's property. Therefore, it is clarified that the Old Survey No.145/2 and New Survey No.405 is consisting of 2 plots, one belonging to the petitioner and the other one belonging to 3rd respondent. The petitioner had subdivide the said land into two and retain the old house which is put up in the said survey number and has let out the premises for rent and the lady is still living in the old house. The petitioner has put up a new construction next to the old house and the petitioner is seeking new electricity connection to the new house. However, the official respondents have rejected the same by stating the petitioner is already having electricity connection in service connection No. 084-004-1147.



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4. The contention of the petitioner is that the petitioner is seeking new electricity connection to the newly constructed house. There is an entrance to the new house. The petitioner submits that physical segregation is separately available for old house and the new house. Therefore, the official respondents are incorrect in stating that the petitioner is already having a service connection in the said premises. Moreover, the objection of the 3rd respondent is that the first respondent is taking the electricity wire across the 3rd respondent's land. But the learned Counsel appearing for the first respondent submitted that it is not across the 3rd respondent's land. As per the permissible way only the first respondent is trying to draw the electricity line from the post. Further, the electricity lines and posts are the properties of the TANGEDCO and drawing of lines is within the domain of TANGEDCO. Therefore, the 3rd respondent is not having any right to object and the 3rd respondent cannot dictate terms to the 1st respondent TANGEDCO.

5. Therefore, for these reasons stated supra, the official respondents is incorrect in decline the service connection and the impugned



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order is quashed. The first respondent is directed to visit the spot and ascertain whether the old house and new house having physical segregation. If the physical segregation is available, then the first respondent is bound to grant electricity connection to the new house and hence the first respondent shall grant electricity connection, if the physical segregation is available. The objection of the 3rd respondent is not supported by any legal ground and hence the said objection shall be rejected. The said exercise shall be completed within a period of four weeks from the date of receipt of your copy of this order.

6. With the above said observation, the writ petition is allowed.

No costs. Consequently, connected miscellaneous petition is closed.

05.09.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No

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To

The Superintending Engineer,
TANGEDCO,
Tamilnadu Electricity Board,
Tirunelveli.



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S.SRIMATHY, J.

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