



W.P. (MD).No.11903 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 09.11.2023

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

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Rajammal

... Petitioner

Vs

1. The Executive Engineer,
Tamil Nadu Electricity Board,
Kalanivsal, Karaikudi 02.
2. The Assistant Engineer,,
Tamil Nadu Electricity Board,
Kalanivsal, Karaikudi 02.
3. The Commissioner,
Karaikudi Municipality, Karaikudi,
Sivagangai District.

*(R3 is suo-motu impleaded as per order
of this Court, dated 22.07.2021)*

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to take action and give electricity connection to the residence of the petitioner in address No.25, Church 3rd Street, Karaikudi, Sivagangai District.



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For Petitioner : Mr. T.Ravichandran

For Respondents : Mr.S.Deenadhayalan (R1, R2)
Standing Counsel

Mr.D.Venkatesh (R3)

ORDER

This Writ Petition has been filed for the issue of a writ of mandamus, directing the first and second respondents to consider the application submitted by the petitioner on 17.03.2021 and to give electricity connection to the house belonging to the petitioner in the subject property.

2.Heard, the learned counsel appearing for the petitioner, the learned Standing Counsel appearing for the respondents 1 and 2 and the learned counsel appearing for the third respondent.

3.When the matter was taken up for hearing, the learned Standing Counsel appearing for the first and second respondents submitted that the property in which, the petitioner is residing belongs to the Municipality and there were some objections raised by the



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Municipality for granting electricity connection.

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4.The learned Standing Counsel appearing for the first and second respondents further submitted that the petitioner has encroached upon the property belonging to the Municipality and that the petitioner is not entitled for any service connection.

5.In the considered view of this Court, the petitioner is admittedly having residential house in the subject property and she has also been issued with Family Card, Voter ID Card etc.. Therefore, the petitioner can be considered to be an encroacher. In view of the same, the application submitted by the petitioner can be considered under Regulation 27 of Tamil Nadu Electricity Distribution Code. The regular procedure that is adopted by the Electricity Department for an encroacher, ie., by getting twice the usual amount and getting indemnity bond etc. can be followed in this case also. Ultimately, the petitioner cannot claim any independent right, by virtue of electricity connection given to her house and the petitioner cannot resist any initiative being made by the Municipality for the eviction of the petitioner.



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6.In view of the above, there shall be a direction to second respondent to deal with the application submitted by the petitioner, in line with the observations made supra and the process shall be completed within a period of four weeks, from the date of receipt of copy of this order.

7.This writ petition stands disposed of in the above terms. No costs.

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NCC : Yes/No
Internet : Yes/No
Index : Yes/No
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N.ANAND VENKATESH, J.

PNM

**ORDER IN
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