



*W.P. (MD).No.14841 of 2021*

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

WEB COPY

**DATED: 09.11.2023**

**CORAM**

**THE HON'BLE MR.JUSTICE N.ANAND VENKATESH**

**W.P. (MD).No.14841 of 2021**

R.Saravanan

... Petitioner

Vs

1. The Assistant Engineer,  
Operation and Maintenance,  
Tamil Nadu Generation and Distribution Corporation,  
Semmangudi Post - 612 605,  
Kumbakonam Taluk,  
Tanjavur District.
2. The Executive Officer,  
Arulmighu Saranathaperumal Thirukovil,  
Tahirucheraai Village,  
Kumbakonam Taluk,  
Thanjavur District.
3. The Tahsildar,  
Taluk Office,  
Kumbakonam.

... Respondents

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 1<sup>st</sup> Respondent herein to give electricity service connection in door No. 552, which is situated in Plot no.47/13 of Thirucheraai Village, Kumbakonam Taluk, Thanjavur District.



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For Petitioner : Mr. Dhanalakshmi.G

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

Mr.Chandrasekaran (R2)  
Standing Counsel

Ms.D.Farjana Ghoushia (R3)  
Special Government Pleader

### **ORDER**

This Writ Petition has been filed for the issue of a writ of mandamus, directing the first respondent to deal with the application submitted by the petitioner on 04.02.2021, wherein, the petitioner has sought for electricity connection for the house situated in the subject property.

2.Heard, the learned counsel appearing for the petitioner, the learned Standing Counsels appearing for the respondents 1 and 2 and the learned Special Government Pleader appearing for the third respondent.

3.The case of the petitioner is that he is in possession and enjoyment of the subject property and he was denied service connection,



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in spite of making application in this regard based on the objections given by the second respondent. It is under these circumstances, the present writ petition has been filed before this Court.

4.The second respondent has filed a counter affidavit and has taken a stand that the petitioner is an encroacher and he has encroached upon the property belonging to the temple and hence, the petitioner is not entitled for seeking electricity connection. That apart, it has been stated that steps are being taken to initiate proceedings before the Joint Commissioner under Section 78 of the H.R. & C.E. Act for eviction of the petitioner. Accordingly, the second respondent sought for dismissal of the writ petition.

5.In the considered view of this Court, admittedly, as on date the petitioner is in possession and enjoyment of the house property. Therefore, the petitioner can be considered to be an encroacher. 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



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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 his house and the petitioner cannot resist any attempt being made by the second respondent for initiating proceedings under Section 78 of the H.R. & C.E.Act.

6.In view of the above discussion, there shall be a direction to the petitioner to make application through online seeking for electricity connection and the first respondent shall deal with the application submitted 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.

**09.11.2023**

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



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To

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1. The Tahsildar,  
Taluk Office,  
Kumbakonam.



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**N.ANAND VENKATESH, J.**

**PNM**

**ORDER IN  
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