



W.P.(MD) No.14357 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.11.2023

CORAM

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

**W.P.(MD) No.14357 of 2021**

and

**W.M.P.(MD) No.11301 of 2021**

Hakkim Mulla

... Petitioner

Vs.

1.The Superintending Engineer,  
Tamil Nadu Electricity Generation and  
Distribution Corporation, (TANGEDCO),  
Pudukottai, Pudukottai District.

2.The Executive Engineer,  
Operation & Maintenance,  
Tamil Nadu Electricity Generation and  
Distribution Corporation, (TANGEDCO),  
Pudukottai Sub-Station, Pudukottai District.

3.The Assistant Engineer,  
Operation and Maintenance,  
Tamil Nadu Electricity Generation and  
Distribution Corporation, (TANGEDCO),  
Pudukottai Sub-Station, Pudukottai District.

4.Baskar

... Respondents

**Prayer:-** Writ Petition filed under Article 226 of the Constitution of India  
praying for issuance of a Writ of Mandamus directing the first to third



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respondents to disconnect electricity service connection No.116-005-486 to the House situated in Sy.No.142/5A at Moottampatti Village, Kulathur Taluk, Pudukottai District within the time fixed by this Court.

For Petitioner : Mr.S.Ramesh

For R1 to R3 : Mr.S.Deenadhayalan  
Standing Counsel

### **ORDER**

This Writ Petition has been filed for issuance of a Writ of Mandamus directing the first to third respondents to disconnect the electricity connection that was given to the fourth respondent, by considering the representation made by the petitioner in this regard.

2. The third respondent has filed the counter affidavit and has taken the following stand:-

3. I respectfully submit that the 4<sup>th</sup> respondent has submitted an application for domestic electricity service connection in Survey No.142/5A, at D.No. 3/391, Mootampatti Village, Vaithur Post, Kulathur Taluk, Pudukottai District dated 07.09.2020. Thereafter, the 4<sup>th</sup> respondent filed writ petition in W.P.(MD) No.16880 of 2020 on the file of Madurai Bench of Madras High Court, Madurai seeking Mandamus directing respondent to provide domestic electricity supply.



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4. I respectfully submit that the 3<sup>rd</sup> respondent not filed counter affidavit in W.P.(MD) No.16880 of 2020. After hearing both sides, this Honourable Court was pleased to dispose writ petition. The relevant portion culled out as under:

“6. For the foregoing reasons, this Court directs the third respondent to consider the petitioner's application dated 07.09.2020 seeking for grant of electricity service connection to his house situated in Survey No. 142/5A at D.No.3/391, Mootampatti Village, Vaithur Post, Kulathur Taluk, Pudukkottai District and pass final orders on merits and in accordance with law, after hearing necessary parties including Mr.Ravuthar, who is claiming right over the same property, within a period of eight (8) weeks from the date of receipt of a copy of this order.”

5. I respectfully submit that thereafter, 3<sup>rd</sup> respondent seeking legal opinion and the same was given on 04.04.2021. Based upon, this 3<sup>rd</sup> respondent conducted enquiry and passed detailed order 07.04.2021 stating that rejecting the 4<sup>th</sup> respondent based upon objection from the petitioner. Thereafter, 4<sup>th</sup> respondent again submitted online application on 09.06.2021. The 3<sup>rd</sup> respondent sought clarification from the higher officials. The 3<sup>rd</sup> respondent has provided.
6. electricity based upon Section 43 of Electricity Act, 2003 read with regulation 27(4) of the Tamil Nadu Electricity Distribution Code 2004. The relevant portion culled out as under:



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“(4) that an intending consumer, who is in lawful occupation can apply to the electricity board with the consent of the land lord, for supply of electricity, in case if the owner refused to given consent letter or he is not in station, the consumer shall produce a proof that he is in lawful occupation of the premises and also execute an indemnity bond in form of the Annexure III of this code indemnifying the electricity board against any loss and amount of disputes arising out of effecting service connection”

7. I respectfully submit that 3<sup>rd</sup> respondent has provided electricity service connection after obtaining Indemnity Bond and twice rate of deposit electricity service connection No.116-005-485 dated 02.08.2021 under tariff IA.

3. The specific case of the petitioner is that the fourth respondent has encroached upon the property belonging to the petitioner and has managed to put up a construction and obtained service connection illegally. The Electricity Department has given service connection to the fourth respondent by getting Indemnity Bond from him.

4. It is also brought to the notice of this Court that the petitioner had already initiated civil proceedings against the fourth respondent for eviction from the subject property. There is no use in merely directing the



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disconnection of electricity connection when the fact remains that the fourth respondent is in occupation of the property. Therefore, the parties must be directed to agitate their rights before the competent civil court and depending upon the result in the suit, further action can be taken by the Electricity Department.

5. At this juncture, it is made clear that just because a service connection was given to the fourth respondent, that does not give any right to him and the fourth respondent has to necessarily establish his rights independently in the pending civil proceedings. Therefore, the service connection that was given in favour of the fourth respondent cannot be put against the petitioner in the pending suit. This clarity will certainly take care of the vital interest of the petitioner.

6. The relief sought for by the petitioner cannot be granted by this Court at this point of time and the parties will have necessarily await the final judgment in the civil proceedings. Depending upon the same, the Electricity Department will decide on the continuation or otherwise of the service connection that was given to the fourth respondent.



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7. This Writ Petition is disposed of with the above observation. No cost. Consequently, connected Miscellaneous Petition is closed.

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Index: Yes/ No  
Neutral Citation: Yes / No  
Speaking order / Non-Speaking order  
JEN

To

- 1.The Sub Registrar,  
Office of the Sub Registrar,  
Annavaasal, Pudukottai District.
- 2.The Secretary,  
MM 575, Nallur Primary Agriculture  
Co-operative Credit Society,  
Nallur, Ponnamaravathi Taluk,  
Pudukottai District.
- 3.The Secretary,  
Ponamaravathi Co-operative Primary Agriculture  
and Rural Development Bank (D.R.L. (T) 6),  
Ponnamaravathi,  
Pudukottai District.



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**N.ANAND VENKATESH, J.**

JEN

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