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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23-01-2024

CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

**WP No.18807 of 2020
And
WMP No.23380 of 2020**

K.Dillibabu

.. Petitioner

-VS-

- 1.The Chairman,
The Tamil Nadu Electricity Board,
Mount Road,
Chennai.
- 2.Tamil Nadu Electricity Generation and
Distribution Corporation Limited (TANGEDCO),
Mount Road,
Chennai.
- 3.The Assistant Engineer,
No.13A, Pillayar Koil Street,
TANGEDCO,



Keelkattalai,
Chennai-600 117.

4.Gnanasoundari

5.Muralidharan

6.Dhanasekaran

7.Meenakumari

[R-4 to R-7 impleaded vide order of Court
dated 25.07.2023 made in WMP No.5107
of 2021 in WP No.18807 of 2020]

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the rejection of application under reference K.En.E.Po./E.Pa/Ke.Ka/Ko.No/Va.Aa/A.No.165A/2020 on 21.09.2020 for new service connection/LM51/1/2.16 KW applied under reference No.200092590920855 dated 08.09.2020 at No.50, Medavakkam High Road, Keezhkattalai, Chennai 600 117 and quash the same and direct the respondents to grant a new service connection/KM51/1/2.16 KW applied under reference No. 200092590920855 dated 18.09.2020 at No.50, Medavakkam High Road, Keezhkattalai, Chennai 600 117



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For Petitioner : Mr.G.Veerapathiran
For Respondents-1 to 3 : Mr.L.Jai Venkatesh,
Standing Counsel for TANGEDCO.
For Respondent-4 : Mr.A.K.Raja Raman
For Respondent-5 : Mr.V.Murugesan
For Respondents-6 and 7: No Appearance

ORDER

The order of rejection dated 21.09.2020, issued by the third respondent-Assistant Engineer, Tamil Nadu Electricity Board to provide electricity service connection to the premises of the petitioner, is under challenge in the present writ petition.

2. It is not in dispute that the suit for partition in OS No.157 of 2020 is pending on the file of the District Court at Chengalpattu.



3. Mere pendency of a civil suit is not a bar for providing electricity service connection on obtaining an Indemnity Bond and other necessary documents. Electricity, being an essential service, the same cannot be denied unless there is a valid ground to do so under the provisions of the Rules and Regulations.

4. Mr.G.Veerapathiran, learned counsel for the petitioner, would submit that the petitioner is in possession of the subject property and furnished all the requisite documents to the respondent-TANGEDCO for providing electricity service connection. Even now the petitioner is ready to provide necessary Indemnity Bond.

5. It is needless to state that the electricity service connection to be provided by the respondent-TANGEDCO is subject to the final judgment and decree to be passed in the civil suit and it is between the parties to approach thereafter for necessary action. However, rejection of electricity service connection on the ground that the civil suit is pending is untenable and thus the petitioner is entitled for the relief.



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6. Providing of electricity service connection in the name of the petitioner cannot confer any civil right and the suit instituted is to be decided independently based on the documents and evidences available on record.

7. Accordingly, the order impugned passed by the third respondent-Assistant Engineer in proceedings K.En.E.Po./E.Pa/Ke.Ka/Ko.No/Va.Aa/A.No.165A/2020, dated 21.09.2020 is quashed and respondents 1 to 3 are directed to provide electricity service connection to the premises of the writ petitioner on compliance of all the requirements and by obtaining necessary Indemnity Bond from the petitioner.

8. In this regard, the petitioner is at liberty to submit a copy of the application already submitted or fresh application, as the case may be to the respondents 1 to 3 for necessary action. The said exercise is directed to be completed by the respondents 1 to 3, within a period of four weeks from the date of receipt of a copy of this order.



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9. With the above liberty, the present writ petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn



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S.M.SUBRAMANIAM, J.

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