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W.P.Nos.22715 of 2021, etc. batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.22715, 22716, 22718, 22719, 22085, 22025, 22022, 22023,
23393, 23398, 23400 & 23404 of 2021

WP.No.22715 of 2021

M.Mumtaj Begum

... Petitioner

Vs.

1.The Chairman cum Managing Director,
Tamilnadu Generation and Distribution
Corporation Limited (TANGEDCO),
144, Anna Salai,
Chennai 600 002

2.The Designated Engineer/ Assistant Engineer,
Operation and Maintenance (Tamilnadu Electricity Board),
Chennai Electricity Distribution Circle-South I,
Mangadu,
Chennai 600 122

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India
praying to issue a Writ of Mandamus directing the second respondent to
provide electricity supply connection to the application reference number
2000923309212409 dated 22.09.2021, Plot No.472, Syed Sathik Nagar,



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Mangadu, Chennai 600 122 within the stipulated time.

For Petitioner : Mr.S.Senthilnathan

For Respondents : Mr.L.Jaivenkatesh,
Standing Counsel

COMMON ORDER

These writ petitions have been filed for direction to the second respondent to provide electricity service connection to the petitioners' respective plots.

2. The petitioner in all the writ petitions applied for electricity service connection for their respective plots which are in their possession and enjoyment. All the petitioners became tenant under Hazarath Syed Valiullah Darga and Mosque Trust situated at Mangudi, Chennai. The said trust allotted vacant plots to poor muslims on payment of rent and permitted the tenants to put up superstructures. The trust and the tenants executed agreement in their favour. Accordingly, the petitioners had put up superstructures and they are regularly paying rent to the lessor. Thereafter, the petitioners submitted their respective applications for seeking electricity service connection. However, the applications so far



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are not considered for the reason that the petitioners shall have to produce necessary documents as required under clause 27 (4) of the Tamilnadu Electricity Distribution Code, 2004. The same issue was already dealt with by the Hon'ble Division Bench of this Court in writ appeals in WA.Nos.2339 to 2345 of 2012, in which the Hon'ble Division Bench of this Court held as follows:

3.From the pleadings and the materials produced, it is seen that the respective third respondent in each writ appeal / the writ petitioner are in possession of the property in dispute. It is the claim of the appellant that he is the owner of the property and the writ petitioners are encroachers. Prima facie, there are materials to show that the writ petitioners are in possession as tenants and the property belongs to the Wakf Board. But, however, the aforesaid opinion is only for the purpose of deciding these writ appeals and title of the property is not decided. From the common counter affidavit filed by the third respondent and the contentions raised on behalf of the respondents, it is seen that the appellant is neither the President of the Managing Committee of the Wakf or Muthawalli. Moreover, several allegations have been made against the appellants. Be that as it may, the fact



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reamins that the writ petitioners are in possession of the disputed property and had applied for electricity connection and they were ordered to be given connection, subject to fulfilling certain conditions laid down in clause 27(4) of the Tamil Nadu Electricity Distribution Code, 2004. It is significant that the order of the learned Single Judge has not been challenged by the Wakf Board, who is stated to have been the owner of the property.

4.Keeping in view the aforesaid factual circumstances, we do not find any error or illegality in the order of the learned Single Judge directing the Tamil Nadu Electricity Board to give electricity connection on satisfying Clause 27(4) of the Tamil Nadu Electricity Distribution Code, 2004, which mandates the writ petitioners to produce proof to show that they are in lawful occupation of the premises.

Accordingly, these writ appeals fail and the same are dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.?

3. The learned Standing Counsel appearing for the respondents submitted that the petitioners have to fulfil the conditions which mandate



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for providing electricity service connection under clause 27 (4) of the Tamilnadu Electricity Distribution Code, 2004. In fact, all the petitioners are under lawful occupation of their respective plots and they also possess lease agreement in respect of the land between the petitioners and the Hazarath Syed Valiullah Darga and Mosque Trust.

4. Therefore, the second respondent is directed to provide electricity service connection to the petitioners in respect of their respective plots situated at Syed Sathik Nagar, Mangadu, Chennai upon compliance of requirement under clause 27 (4) of the Tamilnadu Electricity Distribution Code, 2004 within a period of four weeks from the date of receipt of copy of this order.

5. With the above direction, all the writ petitions stand allowed. It is made clear that the second respondent shall not insist for 'no objection certificate' from the Hazarath Syed Valiullah Darga and Mosque Trust . There shall be no order as to costs.

18.04.2024

Neutral citation: Yes/No



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Index: Yes/No

Speaking/Non-speaking order
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