



WEB COPY



W.P.No.33113 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.33113 of 2024
and W.M.P.No.35870 of 2024

Thillainayagam

... Petitioner

VS.

1.The Executive Engineer
Operation and Maintenance,
Tamil Nadu Electricity Generation and
Distribution Corporation (TANGEDCO)
Tharamangalam 636502.

2.The Assistant Engineer
Operation and Maintenance,
Tamil Nadu Electricity Generation and
Distribution Corporation (TANGEDCO)
Tharamangalam 636502.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the 2nd Respondent herein in K.No. AE/O&M/Tharai/Va.Vu/K.Pothu/No. 403/24-25 dated 02.09.2024 and quash the same and consequently direct the Respondents to provide electricity service connection to the Petitioner's house at Door No.



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10/7/18A2-B, Puthu street-4 comprised in Old Survey No. 171/2 and New Survey No.333/15 New Natham Patta No. 158 measuring an extent of 646 sq.feet at Tharamangalam Village, Omalur Taluk, Salem District.

For Petitioner : Dr.R.Gouri

For Respondents : Mr.I.Syed Sibghatulla
Standing Counsel for TNEB

ORDER

The petitioner herein has filed this writ petition challenging the order passed by the 2nd respondent in K.No. AE/O&M/Tharai/Va.Vu/K.Pothu/No. 403/24-25, dated 02.09.2024, directing the petitioner to produce Ownership Certificate from Tahsildar for effecting electricity service connection to the petitioner's house situated at Door No.10/7/18A2-B, Puthu Street-4 comprised in Old Survey No. 171/2 and New Survey No.333/15 New Natham Patta No. 158 measuring an extent of 646 sq.feet at Tharamangalam Village, Omalur Taluk, Salem District.

2. It is the case of the petitioner that he purchased the above mentioned property from one Sakthivel under a registered Sale Deed dated



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15.06.2022 vide Document No.4566 of 2022 on the file of the Sub Registrar Office, Tharamangalam. From the date of purchase, the petitioner has been in possession and enjoyment of the said property. The petitioner submitted an application for getting electricity service connection to the above mentioned property before the respondents. The request of the petitioner for electricity service connection was objected by one Sa.Ka.Balasundaram on the ground that he filed a suit against the petitioner's vendor in O.S.No.150 of 2021 on the file of the Subordinate Court, Omalur. Based on the said objection, the impugned order was passed by the 2nd respondent directing the petitioner to produce the Ownership Certificate from the Tahsildar. Aggrieved by the same, the petitioner has come before this Court.

3. The learned counsel appearing for the petitioner submits that the petitioner claims ownership over the subject property based on the registered Sale Deed and he has been in possession and enjoyment of the same under a registered Sale Deed. Therefore, the petitioner is entitled to get the electricity service connection based on his law full possession. It is also submitted that the petitioner is also ready to execute Indemnity Bond, if any, as demanded by the respondents.



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4. Mr.I.Syed Sibghatulla, learned Standing Counsel for TNEB, who is taking notice for the respondents would submit that if the petitioner is ready to execute the Indemnity Bond and agree that the electricity service connection effected in his favour is subject to the result of the suit in O.S.No.150 of 2021, the respondents will consider his request for electricity service connection. The statement made by the learned Standing Counsel for TNEB appearing for the respondents is recorded.

5. The petitioner is willing to execute the Indemnity Bond as per the demand made by the respondents.

6. In view of the same, this Court is inclined to issue a direction to respondents to give the electricity service connection to the petitioner's property after getting necessary Indemnity Bond from the petitioner. The service connection effected by the respondents is subject to the result of the suit in O.S.No.150 of 2021 pending on the file of the Subordinate Court, Omalur. The petitioner shall submit necessary Indemnity Bond before the respondents, within a period of two weeks from the date of receipt of copy of



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this order. The respondents shall effect service connection within a further period of one week from the date of receipt of such Indemnity Bond.

7. With the above directions, the Writ Petition stands disposed of. No costs. Consequently, the connected writ miscellaneous petition is closed.

08.11.2024

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
dm

To

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S.SOUNTHAR, J.

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