



W.P(MD)No.6454 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6454 of 2024

Punithavathi

... Petitioner

Vs.

1.The Superintending Engineer,
Tamil Nadu Generation & Distribution
Corporation Ltd., (TANGEDCO),
Pudukkottai,
Pudukkottai District.

2.The Assistant Executive Engineer,
Tamil Nadu Generation & Distribution
Corporation Ltd, (TANGEDCO)
Operation & Maintenance/Town/North,
Pudukkottai.

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Board,
North 3rd Street,
Pudukkottai,
Pudukkottai District.

4.The Executive Officer,
Pudukkottai.
(R4 is suo motu impleaded by this Court
vide order dated 18.03.2024)

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Proceedings issued by the 2nd respondent



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in Ka.No.Vu.Mi.Po/E.Ka/Na/Va/Pudhugai/Gothani/A.No.24 and quash the same on the ground that the same is arbitrary, illegal and without any legal basis and consequently directing the respondents no.1 and 2 to provide the New Electricity Service Connection to the petitioner in connection with property comprised in T.S.No. 8644, Alavayal, Pudukkottai Town & Taluk, Pudukkottai District without insisting upon No Objection Certificate from the third respondent.

For Petitioner : Mr.S.Kishore Kumar

For Respondents : Mr.S.Deenadhayalan
Standing Counsel for R1 & R2

: Mr.M.Ramesh
Government Advocate for R3

: Mr.G.Mathavan for R4

ORDER

Heard both sides.

2. The petitioner had put up construction. She wants electricity service connection for the same. Since patta is not in the name of the petitioner and objection has been raised by the executive officer, Pudukkottai, TANGEDCO had not honoured the claim of the petitioner. That led to filing of this writ petition.



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3. When the matter was taken up for hearing, the learned counsel for the fourth respondent submitted that the proceedings have already been initiated under Section 78 of HR & CE Act. The fourth respondent can very well pursue the said proceedings. The question that calls for consideration is whether any interim arrangement deserves to be made in the meanwhile. The petitioner had admittedly put up construction. She is said to have availed subsidy under the Government scheme also and getting electricity service connection is a fundamental enmity. The petitioner comes forward to pay a sum of Rs.1,500/- per month towards ground rent to the fourth respondent. This can be done by the petitioner without prejudice to her defence in the proceedings under Section 78 of HR & CE Act. The land in question is a government land. Therefore, TANGEDCO / R2 is directed to provide service connection to the petitioner herein forthwith and without any delay. If the petitioner fails to adhere to the undertaking now given, the supply shall be cutoff. Liability to pay the ground rent will commence from 01.04.2024 onwards. The fourth respondent is directed to furnish the account details of Pudukkottai Devasthanam to the learned counsel for the petitioner. The ground rent shall be deposited in the said account without fail on or before 10th day of every month.



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G.R.SWAMINATHAN, J.

rmi

4. The Writ Petition is allowed. No costs.

18.03.2024

Index : Yes / No
Internet : Yes/ No
rmi

To

The Assistant Commissioner,
Hindu Religious and Charitable Endowment Board,
North 3rd Street,
Pudukkottai,
Pudukkottai District.

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