



W.P.(MD)No.15418 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 22.11.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.15418 of 2024

M.Kalaiselvan

... Petitioner

Vs.

1.The Assistant Electrical Engineer,
TANGEDCO,
Nilakottai Town,
Dindigul District.

2.Annakodi

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining the impugned order passed by the 1st respondent க.எண்.உமிபொ/ந/நிலவை/வ.ஆ/கோ.ஆட்சேபனை/அ/எண்.097/24 dated 11.06.2024 and quash the same and consequently direct the 1st respondent to provide electricity connection to the petitioner's land in S.No.278/6B, situated at Patchamalaiyankottai, Nilakottai Taluk, Dindigul District.

For Petitioner	: Mr.M.Iniviyam
For 1 st Respondent	: Mr.S.Deenadhayalan Government Advocate

ORDER

Challenging the impugned order of the first respondent dated 11.06.2024, rejecting the petitioner's application for electricity



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connection temporary, this Writ Petition came to be filed.

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2.The learned Standing Counsel appearing for the 1st respondent on instructions would submit that a civil suit in O.S.No.18 of 2024 is pending before the learned District Munsif, Nilakottai, with respect to the subject property in Survey No.278/6B, Patchamalaiyankottai, Nilakottai Taluk, Dindigul District. In view of the same, the petitioner's application came to be rejected.

3.Heard the learned counsel appearing for the petitioner, the learned Standing Counsel for the 1st respondent and carefully perused the entire materials available on record.

4.However, the matter is no more *res integra*. The electricity connection being one of the basic amenities for living, this Court has dealt with similar case in W.P.Nos.27742 and 27743 of 2016 dated 22.02.2017 and has passed favourable orders and the relevant portion of the same is extracted as follows:-

“7. Placing on record, Judgment of the Apex Court in the case of Chandu Khamaru v. Nayan Malik reported in (2011) 12 SCC 314, it is contended that pendency of the Civil Suit on the file of the Civil Court, the parties cannot be denied the supply of electricity service connection to his house. On this basis, a direction was sought for to the electricity department to supply



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electricity to the house of the petitioner.

8. Again taking support from another Judgment of this Court in the case of A.Muthusamy v. The Assistant Engineer, TNEB, reported in 2009 (4) CTC 606, it is submitted that electricity service connection can be given to persons who are in occupation of the premises even if their ownership is under dispute provided they furnish indemnity bond and pay necessary fee etc.

Accordingly, the respondents 1 and 2 are hereby directed to consider the applications of the petitioners, dated 28.06.2016 along with a bond contemplated under Clause 27(4) of the Tamil Nadu Electricity Distribution Code, 2004. It is made clear that on executing bond by both the petitioners as per Clause 27(4), the respondents 1 and 2 are hereby directed to consider the request of the petitioners for giving electricity service connection.”

5. Fully fortified by the aforesaid judgment, this Court hereby quash the impugned order and the matter is remanded back to the first respondent directing him to consider the petitioner's application afresh and pass appropriate orders on the request of the petitioner for giving electricity service connection without considering the factum of pendency of civil case subject to the condition that they execute a bond contemplated under Section 27(4) of Tamil Nadu Electricity Distribution Code, 2004.



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6. With the above directions, the Writ Petition stands disposed of.

There shall be no order as to costs.

22.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn

To

1. The Assistant Electrical Engineer,
TANGEDCO,
Nilakottai Town,
Dindigul District.



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L.VICTORIA GOWRI, J.

Mrn

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