



W.P.(MD).No.17534 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.11.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.17534 of 2024

Natesan

... Petitioner

Vs.

1.The Superintendent Engineer,
TANGEDCO,
Karaikudi Town, Karaikudi,
Sivagangai District.

2.The Executive Engineer,
TANGEDCO,
Karaikudi Distribution Circle,
Karaikudi, Sivagangai District.

3.The Assistant Executive Engineer,
TANGEDCO,
Karaikudi Town / South Karaikudi,
Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to provide Electricity Service connection by considering the online application dated 18.07.2024 in Application reference No. 2000540207241392 within a stipulated time fixed by this Court.



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For Petitioner : Mr.Va.Shanmugaraj

For Respondents : Mr.S.Deenadhayalan,
Standing counsel

ORDER

This writ petition has been filed to direct the respondents to provide Electricity Service connection by considering the online application dated 18.07.2024 in Application reference No. 2000540207241392 within a stipulated time fixed by this Court.

2. Heard the learned counsels on either sides and carefully perused the materials available on record.

3. The petitioner's online application seeking to provide an electricity service connection dated 18.07.2024 is not acted upon by the respondents in view of the oral objections raised by the Commissioner, Karaikudi Municipality, Sivagangai District, for the reason that the land in which the petitioner is dwelling belongs to the municipality. The petitioner claims that he is a coolie worker and he has constructed a house in Door No.11, Saraswathi Mahal 3rd Street, Karaikudi, and he has been living therein for more than 20



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years and his house has been assessed for building tax by the municipality concerned. Under such circumstances there is no *locus standi* for the municipality commissioner to raise an objection. A similar matter has been dealt with by this Court in W.P.(MD)No.9842 of 2024 and a favourable order came to be passed by an order dated 25.04.2024 and the relevant portion of the same is extracted as follows:

“3.The respondent could not consider the petitioner's request because the Commissioner, Karaikudi Municipality has raised objection. According to the local body, the land has been earmarked as “park”. If in a layout, certain extent of land has been earmarked as “park” by the promoter, it cannot be converted to any other use. But that is not a case here. The extract from TSL register shows that the land was classified as “Ryotwari Manai”. Of course, it is in the name of the Municipal Commissioner, Karaikudi. Since even in the revenue record, the land has been classified as “manai”, the petitioner's occupation cannot be characterised as objectionable.

4.The learned counsel appearing for the petitioner draws my attention to the decision reported in 2013 (6) CTC 849



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(T.M.Prakash & others Vs The District Collector, Tiruvannamalai District, Tiruvannamalai & Another) and the order dated 25.08.2020 made in W.P.No.10501 of 2020 (S.Babu Vs The Assistant Engineer). It has been held therein that electricity supply being a basic amenity cannot be denied to occupiers of poramboke lands. TANGEDCO was directed to obtain necessary undertaking and indemnity bond from the applicants and grant supply of electricity.”

4. I am of the considered view that the very same approach can be adopted in this case also. The 3rd respondent shall provide an electricity supply to the petitioner after obtaining undertaking affidavit and indemnity bond from the petitioner. However, I make it clear that grant of electricity supply to the petitioner by virtue of the order of this Court will not come in the way of the local body from initiating any action against the petitioner. It is pertinent to mention here that this clarification is because the local body is not before me.



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5. With the above observations, this writ petition stands allowed. There shall be no order as to costs.

19.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

To

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L.VICTORIA GOWRI, J.

Sml

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