



W.P(MD)No.17314 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 26.07.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17314 of 2024

N.Thangapandiyan

... Petitioner

Vs.

1.The Superintending Engineer,
TANGEDCO,
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 is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to provide Electricity Service Connection by considering the online Application dated 18.07.2024 in Application reference No.2000540207241393 within a stipulated time fixed by this Court.



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W.P(MD)No.17314 of 2024

For Petitioner : Mr.VA.Shanmugaraj
For Respondents : Mr.S.Deenadhayalan
Standing Counsel

ORDER

Heard both sides.

2.The petitioner is an occupant of a poramboke land. The petitioner put up a small hut. It is stated that there are around 70 residents who are similarly placed. The poramboke land in question has been in occupation for several decades. The petitioner seeks grant of electricity service connection.

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 the 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,



W.P(MD)No.17314 of 2024

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 (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.

5.I am of the view that the very same approach can be adopted in this case also. The third respondent shall provide electricity supply to the petitioner herein after obtaining undertaking affidavit and indemnity bond from the petitioner. It is however made clear that grant of electricity supply to the petitioner herein by virtue of this Court's order will not come in the way of the local body from initiating any action against the petitioner. I have to make this clarification because the local body is not before me.



W.P(MD)No.17314 of 2024

6. With this clarification, this writ petition is allowed. There shall be no order as to costs.

26.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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W.P(MD)No.17314 of 2024

G.R.SWAMINATHAN,J.

MGA

W.P(MD)No.17314 of 2024

26.07.2024