



W.P.(MD)No.18116 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 14.11.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.18116 of 2024

K.Velayudham

... Petitioner

Vs.

- 1.The Superintendent of Engineer,
TANGEDCO,
Kanyakumari District.
- 2.The Executive Engineer (Distribution),
TANGEDCO,
Kanyakumari District.
- 3.The Assistant Executive Engineer (Distribution),
TANGEDCO,
Thuckalay,
Kanyakumari District.
- 4.The Assistant Engineer (Distribution),
TANGEDCO,
Thuckalay,
Kanyakumari District.

... 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 of the impugned order of the 2nd respondent herein, in his proceedings in Ka.No.Se.Po/Vi/Thuckalay/Va.AA/Ko.Ma.Mu/A.No.336/24, dated 22.01.2024 and quash the same as illegal and further directing the respondents to give electricity connection to the petitioner's house in S.No.C8-192, bearing Door No.9/106A in Ward C, Vanigar Street,



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Padmanabhapuram, Kalkulam Taluk, Kanyakumari District.

For Petitioner

: Mr.R.Murugan

For Respondents

: Mr.S.Deenadhayalan
Standing Counsel

ORDER

The challenge in the Writ Petition is to the rejection order of the fourth respondent to provide electricity connection to the petitioner's house in Survey No.C8-192, Door No.9/106A in Ward C, Vanigar Street, Padmanabhapuram, Kalkulam Taluk, Kanyakumari District.

2.Heard the learned counsel appearing for the petitioner, the learned Standing Counsel appearing for the respondents and carefully perused the entire materials available on record.

3.When the matter was taken up for hearing, the learned Standing Counsel appearing for the respondents submitted that the house in question is situated in Pathai Poramboke.

4.However, the learned counsel appearing for the petitioner submitted that he was already issued with B memo as early as on 16.08.1977 and the house in question is also assessed by Padmanabhapuram Municipality for Municipality tax and he has promptly paid the Municipality assessment and submitted that the electricity being



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a basic amenity, the fourth respondent ought to have given him with connection, rather rejecting the same. He further circulated the order passed by this Court in W.P.No.11256 of 2020, dated 04.11.2020, in which, this Court has dealt with a similar case and the relevant portion of the same is extracted as follows:-

“6. The judgment cited by the learned counsel for the petitioner specifically holds that electricity supply can be granted even to encroachers by getting an indemnity bond and the required fees. This Court also made it clear that providing such electricity supply will not in any way confer any right to the occupant of the property. If there is any objection from any quarters, the respondents can consider granting electricity connection subject to the result of the Civil suits which is said to have been filed by some temple.”

5. Fully fortified by the aforesaid order, this Court hereby direct the fourth respondent to forthwith give electricity connection to the petitioner. However, it is pertinent to mention here that grant of electricity to the petitioner would not confer him with any title over the land in which, he has occupied. That apart, the petitioner is also entitled to provide with indemnity bond, as required by the fourth respondent. I further direct the fourth respondent to consider if any objection is raised from any quarters, at the time of grant of electricity connection in accordance with law.



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6. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs.

14.11.2024

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

To

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L.VICTORIA GOWRI, J.

Mrn

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