



W.P.(MD) No.20520 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) No.20520 2024

P.Chinnasamy

...Petitioner

-VS-

1.The Assistant Executive Engineer,
Tamil Nadu Generation and Distribution Co Ltd,
Alagar Kovil, Melur Taluk, Madurai District.

2.The Assistant Engineer,
Tamil Nadu Generation and Distribution Co Ltd,
Alagar Kovil, Melur Taluk,
Madurai District.

3.Suresh

...Respondents

PRAYER: Writ Petitions are filed under Article 226 of the Constitution of India, praying for issuance of a writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the 2nd respondent in his proceedings in Hu.No. U Mi Po/Pahir/A.Kovil / Va. A/Ko.Neemava/A.No. 62/2024-25 dated 12.07.2024 and quash the same as illegal and consequent direction may be issued to the 2nd respondent to disconnect the Electricity Service Connection in SC No. 109-012-959 (Alagapuri Service Station) standing in the name of the 3rd respondent herein within a time stipulated by this Court.

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For Petitioner : Mr.T.A.Ebenezer
For R1 & R2 : Mr.S.Deenadhayalan
Standing Counsel

ORDER

This Writ Petition has been filed challenging order of the second respondent in Hu.No. U Mi Po/Pahir/A.Kovil / Va. A/Ko.Neemava/A.No. 62/2024-25 dated 12.07.2024 and to direct the 2nd respondent to disconnect the Electricity Service Connection in SC No. 109-012-959 (Alagapuri Service Station) standing in the name of the 3rd respondent within a time stipulated by this Court.

2.Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents 1 and 2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3.The petitioner is the owner of the property in Survey No. 357/2A49 measuring an extent of 6.15 acres at Kidaripatti, Melur Taluk, Madurai District. The third respondent had encroached upon the said



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property and constructed a temporary thatched tent. On the basis of his request, the first respondent had provided electricity service connection to the third respondent without any valid documents in S.C.No. 109-012-959. Hence, the petitioner made a complaint to the first respondent on 29.10.2021 to disconnect the service connection granted to the third respondent. However, the same has been rejected. Challenging the same, the petitioner has filed this writ petition.

4.The learned counsel for the petitioner would submit that the second respondent had not followed the rules prescribed in the Tamil Nadu Electricity Distribution Code, 2008, while granting electricity service connection to the third respondent and no indemnity bond was obtained from the third respondent. Hence, the service connection given to the third respondent has to be disconnected.

5.The learned Standing Counsel for the respondents submitted that the service connection was given to the third respondent based on the house tax receipts paid by him during the year 2011-2012. Hence, the electricity service connection granted to the third respondent based



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on the valid documents cannot be disconnected merely on the basis of the objection raised by the petitioner. Hence, seeks to dismiss this writ petition.

6.In affidavit filed in support of this writ petition, the petitioner himself disclosed that the third respondent had put up a thatched house in the subject property and residing there. It is submitted by the authorities concerned, that the electricity service connection was granted to the third respondent based on the house tax receipts for the year 2011-12. Therefore, without taking any action for recovering the possession of the subject property or removing the encroachment by filing a suit before the competent civil Court, the petitioner has filed a petition before the first respondent to disconnect the electricity service connection granted to the third respondent, which will not serve any purpose. The basic amenity of electricity granted to the third respondent cannot be disconnected, merely based on the allegations made by the petitioner. It is for the petitioner to establish his right over the subject property for removal of encroachment, if any.



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7.In view of the above, this Court does not find any reason to interfere with the order impugned in this writ petition. Accordingly, this writ petition is dismissed. No costs.

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Index : Yes / No
Internet : Yes / No
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To

- 1.The Assistant Executive Engineer,
Tamil Nadu Generation and Distribution Co Ltd,
Alagar Kovil, Melur Taluk, Madurai District
- 2.The Assistant Engineer,
Tamil Nadu Generation and Distribution Co Ltd,
Alagar Kovil, Melur Taluk,
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N.SATHISH KUMAR, J.

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