



W.P(MD).No.21265 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 05.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD).No.21265 of 2024

and

W.M.P(MD).No.17997 of 2024

Selvaraj

... Petitioner

Vs.,

1.The Superintending Engineer,
Ramanathapuram Electricity Distribution Circle
Ramanathapuram,
Ramanathapuram District.

2.The Executive Engineer,
Ramanathapuram Electricity Distribution Circle,
Ramanathapuram,
Ramanathapuram District.

3.The Assistant Executive Engineer
Tamil Nadu Electricity Board &
Electricity Distribution Circle
Urban/North, Ramanathapuram,
Ramanathapuram District.

4.Sridharan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned



W.P(MD).No.21265 of 2024

order passed by the third respondent by disconnecting the electricity connection in respect of the electricity consumer numbers 302-008-1024, 302-008-1037, 302-008-1100 and 302-008-1101 in Letter No.உமிபொ/ந/வ/இராம/வஆ/கோ-வழக்கு/அ.எண்143/2024 dated 30.08.2024 quash the same as illegal, unconstitutional and biased and subsequently direct the respondent to provide electricity connection to the petitioner vide petitioner application reference Nos. 200053020524470, 200053020524471, 20005302-524482 and 200052020524473 dated 21.05.2024 within the time stipulated.

For Petitioner : Mr.Sarath Chandran
For Respondents : Mr.S.Deenadhayaln (for R1 to R3)
Standing Counsel
Mr.J.Barathan (for R4)

ORDER

This writ petition has been filed challenging the impugned order disconnecting the electricity connection to the petitioner.

2. The brief fact leading to this writ petition is that one Subramaniapillai leased out the vacant land to the father of the petitioner, namely, Angusamy, in the year 1947. the said Angusamy constructed houses in the said land and also got electricity connection. The legal heir of said Subramaniapillai filed a suit in O.S.No.33 of 2000, for ejectment of the petitioner. The petitioner also filed I.A.No.456 of 2000, seeking the relief under Section 9 of the City Tenants



W.P(MD).No.21265 of 2024

Protection Act, 1921. The said suit was decreed as ex-parte and the interlocutory application filed by the petitioner was dismissed. Against the ex-parte decree, the petitioner filed an appeal in A.S.No.52 of 2014 and as against the order of interlocutory application, the petitioner filed C.M.A.No.10 of 2014. The said Appeal Suit was allowed by ordering to retrial the original suit and the CMA was dismissed. The legal heirs of the said Subramaniapillai filed C.M.A(MD).No.377 of 2019, against the order of appeal suit and got interim order in their favour and the petitioner also filed C.R.P(MD).No.2015 of 2023 against the order of C.M.A.No.10 of 2014. Both are pending before this Court. At this stage, the fourth respondent changed the property tax receipts in his favour and the same was challenged by the petitioner by filing a writ petition in W.P(MD).No.12111 of 2012 which came to be dismissed. Against which, writ appeal has been filed in W.A(MD).No.147 of 2017. This Court, by order dated 03.04.2024, without going into the merits, directed the appellant, namely, the petitioner herein, to make a fresh application within a period of four weeks and the respondent shall take a call only after putting the third respondent therein on notice. Pursuant to the direction, fresh application has been given. However, now, the impugned order has been passed disconnecting the electricity connection to the petitioner, citing forgery was committed while obtaining connection. Further, no revenue records have been



W.P(MD).No.21265 of 2024

produced to substantiate that the electricity connection was obtained in the name of the petitioner. Challenging the same, this writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that admittedly, the petitioner is the occupier and the fourth respondent is the owner of the land. The suit was filed for ejection by the fourth respondent and the same is pending. Now, the amenities have been taken away by disconnection. Section 27 Sub-clause 4 of the Tamil Nadu Electricity Distribution Code (hereinafter referred to as 'Code' for brevity) makes it clear that in the event of the owner not giving consent to the authority for electricity connection, the occupier has to execute an indemnity bond in Form 6 of the Annexure III to this Code and pay the necessary security deposit. When the Code itself provides for electricity connection on executing indemnity bond, the electricity connection cannot be disconnected.

4. Mr.J.Barathan, learned counsel who takes notice for the fourth respondent submits that the fourth respondent has no objection for giving electricity connection in his name. He further submits that he will not disturb the connection till the suit reaches finality. This statement is recorded.



W.P(MD).No.21265 of 2024

5. As far as the possession and enjoyment is concerned, that is not even disputed by the fourth respondent. Since the existing connection has now been disconnected and it affects basic amenities of the occupier, as now the fourth respondent is willing to give a consent letter to the authority to effect electricity connection to the building occupied by the petitioner, this Court is of the view that the impugned order passed by the authorities will not come in the way in effecting the new connection in the name of the fourth respondent. It is made clear that the fourth respondent shall not disturb that connection to be provided in his name, till the rights of the parties are finally adjudicated in the civil litigation.

6. In such view of the matter, let the petitioner give a fresh application before the authority concerned within one week from today (i.e., 05.09.2024) for electricity connection. On such application being made, the authority shall provide the electricity connection within one week thereafter. This Court makes it clear that the fourth respondent shall submit application within seven days as undertaken before this Court. When this Court was about to pass the order directing the official respondents to give electricity connection in the name of the petitioner by obtaining the indemnity bond, only at the request of the learned counsel for the fourth respondent and his undertaking given before this Court, this



W.P(MD).No.21265 of 2024

Court directs the authority to give connection in the name of the fourth respondent. In the event the fourth respondent is not submitting any application within seven days from today, the petitioner is entitled to present application and execute a document of indemnity bond as provided in the Code. On such indemnity bond being executed, the authority shall restore the connection within a period of one week thereafter.

7. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

05.09.2024

NCC : Yes/No

Index : Yes/No

Rmk

To

1.The Superintending Engineer,
Ramanathapuram Electricity Distribution Circle
Ramanathapuram,
Ramanathapuram District.

2.The Executive Engineer,
Ramanathapuram Electricity Distribution Circle,
Ramanathapuram,
Ramanathapuram District.



W.P(MD).No.21265 of 2024

3. The Assistant Executive Engineer
Tamil Nadu Electricity Board &
Electricity Distribution Circle
Urban/North, Ramanathapuram,
Ramanathapuram District.



WEB COPY



W.P(MD).No.21265 of 2024

N.SATHISH KUMAR, J.

Rmk

W.P(MD).No.21265 of 2024

05.09.2024