



W.P.(MD).No.18994 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.07.2025

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD) No.18994 of 2025
and W.M.P(MD) No.14550 of 2025

K.Mani

... Petitioner

Vs.

1.The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited, (TANGEDCO),
Karur District, Karur.

2.The Assistant Engineer,
Operation and Maintenance,
Tamil Nadu Electricity Board,
Velayuthampalayam,
Pugalur, Kahithapuram,
Karur District.

3.The Executive Officer,
Arulmigu Sri Balasubramaniaswamy Temple,
Velayuthampalayam, Karur District,
Karur.

4.The Revenue Divisional Officer,
Karur District, Karur.

5.The Tahsildar,
Pugalur Taluk, Karur District.

...Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order passed by the 2nd respondent made in Ka.No.UMiPo/E.Ka/Ve.Palayam/Karur/Ko.Thani/Aa.No.11/2024-25, dated 25.01.2025 and quash the same as illegal, arbitrary and against law and consequently directing the 2nd respondent to provide the electricity service connection to the petitioner in respect of property located in S.F.No. 387 located at Punjaipugalur North, Pugalur Taluk, Karur District.

For Petitioner : Mr.N.Shanmuga Selvam

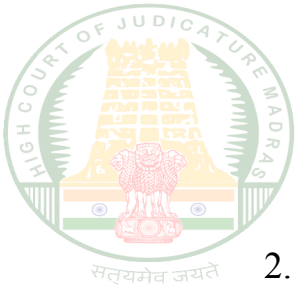
For R1 and R2 : Mr.S.Deenadhayalan
Standing Counsel

For R3 : Mr.P.Athimoola Pandian
Standing Counsel

For R4 and R5 : Mr.C.Satheesh,
Government Advocate

ORDER

This Writ Petition is disposed of at the time of admission after hearing the learned counsel for the petitioner and the learned Standing Counsel appearing on behalf of the respondent Nos.1, 2 and 3 and the learned Government Advocate appearing on behalf of the respondent Nos.4 and 5.



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2. The petitioner has filed this Writ Petition to quash the impugned communication of the second respondent, dated 25-01-2025 bearing reference Ka.No.UMiPo/E.Ka/Ve.Palayam/Karur/Ko.Thani/Aa.No.11/2024-25. Relevant portion of the impugned communication of the second respondent reads as under:

தமிழ்நாடுமின் உற்பத்தி மற்றும் பகிர்மானகமகம்

அனுப்புதல்
உதவிமீன்பொறியாளர்
இயக்கலும்/காத்தலும்
வேலாயுதம்பாளையம்

பெறுதல்

✓ திரு. K. மணி த/வே. கருப்பணகவுண்டர்
SFNo: 387, கொடுமுடி மெயின் ரோடு,
கரூர்.

க.எண்:உ.மிபொ/இ.கா/வே.பாளையம் /கரூர் /கோ. தனி/அ.எண்:11/2024-25 நாள்: 25.01.2025

அய்யா,

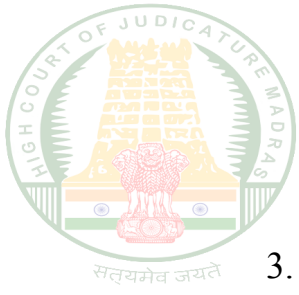
பொருள்: மின்சாரம் - வேலாயுதம்பாளையம் மின்பிரிவு அலுவலகம் திரு. மணி த/வே. கருப்பணகவுண்டர் SFNo: 387, கொடுமுடி மெயின் ரோடு, கந்தம்பாளையம் - தங்களின் மனுவிற்கு பதில் விளக்கம் தெரிவிப்பது - சம்மந்தமாக.

பார்வை: WP(MD)No:30778 of 2024 (Judgement Order)

மேற்கண்ட பார்வையின்படி வழக்கு எண்: W(MD)No: 30778 of 2024க்கு சென்னை உயர்நீதிமன்றம் மதுரை கிளை அவர்களின் உத்தரவுபடி கீழ்க்கண்டவாறு தங்களுக்கு பதில் அளிக்கப்படுகிறது.

திரு. மணி த/பெ.கருப்பணகவுண்டர், கொடுமுடி மெயின் ரோடு, கந்தம்பாளையம் ஆகிய தாங்கள் புல எண்: 387 ல் புதியதாக கட்டிடம் கட்டுவதற்கு தற்காலிக மின் இணைப்பு வேண்டி மின்வாரிய இணையதளத்தில் விண்ணப்ப எண்: 200060361124953 நாள்: 11.11.2024 அன்று பதிவு செய்துள்ளீர்கள். மேற்படி விண்ணப்பத்தில் புல எண்: 387 ற்கான தற்போதைய பட்டா (அ) சிட்டா வை eservices.tn.gov.in.யில் புல எண் உள்ளீடு செய்து பார்த்ததில், மேற்கண்ட புல எண்ணிற்கான கணினி சிட்டா “ ஸ்ரீ பாலசுப்பிரமணியசாமி கோயில் தற்கால டிரஸ்டி” அவர்களின் பெயரில் உள்ளது. எனவே, மேற்கண்ட புல எண்: 387 ற்கு தங்களின் பெயரில் புதிய மின் இணைப்பு எதுவும் வழங்க இயலாது என்பதையும் மற்றும் தங்களின் விண்ணப்பம் ரத்து செய்யப்படும் என்பதையும் தங்களுக்கு அன்புடன் தெரிவித்துக் கொள்ளப்படுகிறது.

உதவிமீன்பொறியாளர்
இயக்கலும்/காத்தலும்
த.மி.உ.ம.பகிர்மான கமகம்
வேலாயுதம்பாளையம்.

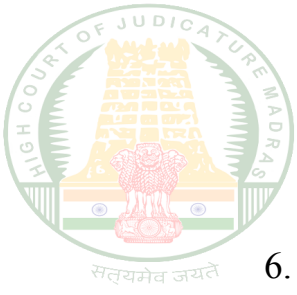


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3. The case of the petitioner is that the land has been in possession of the petitioner's father since 1935 and that a settlement patta was issued to the petitioner's father on 13-06-1978 under Section 8(1) in Tamil Nadu Minor Inams (Abolition and Conversion Into Ryotwari) Act, 1963. It is submitted that the petitioner is entitled for a temporary power connection, in connection with the proposal to put up a construction, which has been now rejected.

4. It is further submitted that petitioner had earlier sent a representation on 11.11.2024. However, the respondent failed to respond the same. Therefore, the petitioner was constrained to send a reminder on 22-11-2024 followed by a petition before the Court in WP(MD) No.30778 of 2024 and that on 19-12-2024 the Court ordered the respondent No.2 to pass appropriate orders on the petitioner's representation dated 22-11-2024.

5. Further it is submitted that the third respondent is wrongly relying on a revenue patta issued in the name of the temple and has now rejected the application filed for issuance of temporary power connection to the petitioner.

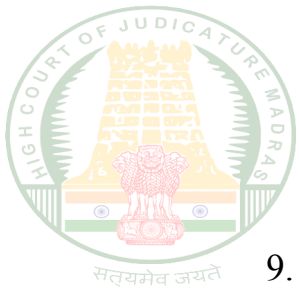


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6. On the other hand, the learned counsel for the respondent No.3 would submit that the entire extent of land belongs to the third respondent temple and he has filed a copy of the revenue patta No.1165 issued by the revenue authority.

7. Further, it is submitted that the petitioner is a rank encroacher and has not produced any document for substantiating that the petitioner is the owner of the said property. It is further submitted that the notice under section 78 of the Tamil Nadu HR and CE Act, 1959, had also been issued on 16-04-2024, to which petitioner has not replied so far. That apart, it is submitted that further proceedings have been initiated on 29-5-2025 in R.P.No.108 of 2005 before the Joint Commissioner of HR and CE. The first date for hearing was fixed on 11-6-2025, on which date also, the petitioner has not appeared before the Joint Commissioner. Hence, this petition is liable to be dismissed.

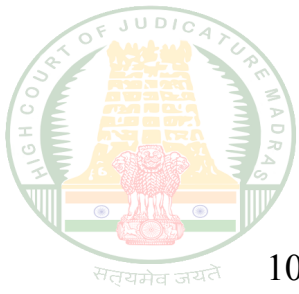
8. The learned counsel for the petitioner has also relied on the decision of this Court rendered in W.P.(MD) No.13230 of 2024, wherein reference was made to an earlier order passed in W.P.(MD) No.12966 of 2021, dated 20.12.2023



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9. That apart, the learned counsel for the petitioner also relied upon the Clause 27(4) of the Tamil Nadu Electricity Distribution Code, which is extracted here under:

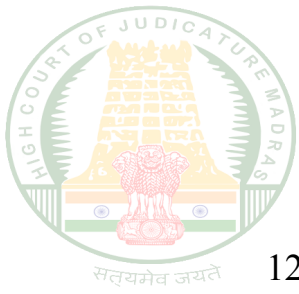
(4)An intending consumer who is not the owner of the premises [] [The words 'he occupies' omitted as per Commission's Notification No.TNERC/DC/8-8 dated 8.2.2008 (w.e.f. 27.2.2008)].shall produce a consent letter in Form 5 of Annexure III to this code from the owner of the premises for availing the supply. If the owner is not available or [*] [The word 'he' omitted as per Commission's Notification No. TNERC/DC/8-8 dated 8.2.2008 (w.e.f. 27.2.2008)] refuses to give consent letter, the intending consumer shall produce proof of his/her being in lawful occupation of the premises and also execute an indemnity bond in Form 6 of the Annexure III to this code indemnifying the licensee against any loss on account of disputes arising out off effecting service connection to the occupant and acceptance to pay security deposit twice the normal rate.*



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10. That learned counsel for the petitioner has also filed a copy of the document, which is said to have been registered by the petitioner's father on 17.06.1935. The petitioner also relied upon the copy of the patta issued under Minor Inam Abolishing Act, 1963, dated 13-06-1978.

11. Having considered the submissions made by the learned counsel for the petitioner and the learned counsel for the respective official respondents, it is evident that the petitioner has filed the application for temporary electricity connection only on 11.11.2024, whereas proceedings under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, were already initiated on 16.04.2024 and further, the proceedings in R.P. No.108 of 2005 were initiated on 29.05.2025, and the petitioner was duly served with notice, with the first date of hearing fixed on 11.06.2025. Therefore, no positive direction can be issued to respondent Nos.1 and 2 to provide electricity connection to the petitioner. However, it is open to the petitioner to obtain consent from the third respondent for processing the application, in accordance with Rule 27(4) of the Tamil Nadu Electricity Distribution Code.



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12. With the above liberty, this Writ Petition stands dismissed.

Consequently, connected Miscellaneous Petition is closed. No costs.

15.07.2025

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

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To
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- 1.The Superintending Engineer,
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Corporation Limited, (TANGEDCO),
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C.SARAVANAN, J.

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