

**(2014) 03 MAD CK 0083**  
**In the Madras High Court**  
**Case No : W.P. No. 31640 of 2012**

G. Murugan

APPELLANT

Vs

The Chairman, Tamil Nadu Electricity Board, The Assistant  
Executive Engineer/Junior Engineer, The District Collector,  
Collectorate and Mr. Ferose Ali

RESPONDENT

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**Date of Decision :** 27-03-2014

**Acts Referred:**

Constitution of India, 1950 — Article 21  
Electricity Act, 2003 — Section 42, 67

**Citation :** (2014) 3 MLJ 851 : (2014) WritLR 548

**Hon'ble Judges :** M. Venugopal, J

**Bench :** Single Bench

**Final Decision :** Disposed Off

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## Judgement

M. Venugopal, J.—The Petitioner has preferred the instant Writ of Mandamus praying for issuance of passing of an order by this Court in directing the Respondents 1 & 2 to provide electricity connection to the Petitioner's house situated at residing at No. 188, 4th Street, Bharath Rajiv Gandhi Nagar, Kolathur, Chennai 99. According to the Learned Counsel for the Petitioner, the Petitioner purchased the house site and constructed a house thereon with collective effort. He has a family with son and daughter-in-law. He consumed electricity from the neighbour house for some time. The said consumption created a problem. He submitted an application dated 05.10.2012 to the 2nd Respondent with an indemnity bond, photo copy of the family card. The 2nd Respondent had orally rejected his claim without following any due process of law and assigning any valid reason.

2. The Learned Counsel for the Petitioner submits that the ingredients to Section 43 of the Tamil Nadu Electricity Act, 2003 clearly enjoins that there is no necessity that an Applicant must be an owner of the property to obtain new electric connection. In fact, the Act allowed the occupant to apply for the supply of electricity. Further, the Act emphasised that it is the mandatory duty of the

Electricity Board to accept the application even made by an occupant otherwise the Board is liable to pay a sum of Rs. 1,000/- per day for the delayed period of more than one month.

3. Indeed, the Learned Counsel for the Petitioner contends that Section 42 of the Tamil Nadu Electricity Act, 2003 deals with the "Distribution of Electricity". Section 27 of the Tamil Nadu Electricity Distribution Code, 2004 deals with "Requisitions for Supply of Energy". The stand of the Petitioner is that Respondents 1 and 2 had deliberately violated the aforesaid provisions.

4. According to the Learned Standing Counsel for the Respondents 1 and 2, the 4th Respondent submitted an objection letter dated 09.02.2012 in which he mentioned that there is a Civil Suit in O.S. No. 7335 of 1996 pending on the file of the Additional District and Sessions Judge, Fast Track Court II, Chennai and as such, no service connection should be effected to the petition premises.

5. It is the contention of the Learned Standing Counsel for the Respondents 1 and 2 that they are not consent with the dispute between the Petitioner and the 4th Respondent and they will abide by the directions issued by this Court.

6. In support of the contention that basic amenity of electricity cannot be denied to the Petitioner, the Learned Counsel for the Petitioner refers to the order dated 20.09.2013 in W.P. No. 21216 of 2005 reported in CDJ 2013 MHC 4244 (Dr. K. Abdul Muneer V. The Chairman, Tamilnadu Electricity Board, Chennai & Others), whereby and whereunder, in paragraph 4, it is held as follows:

4. In my considered view, first of all, the relief sought for in this writ petition cannot be granted in view of the fact that provision of electricity connection to the tenant is a basic amenity, which the petitioner, being the landlord, cannot be deny to the tenant. If there is any dispute with regard to the payment of the electricity charges to the department, the petitioner has to work out his remedy as against the tenant either by filing appropriate legal proceedings for recovery of such sum after making payment or allow the Electricity Board to disconnect the electric supply if the tenant does not pay the arrears. However, he cannot deny the basic amenity such as electricity or water to the tenant by specifically requesting the Electricity Board to disconnect even if there are no arrears. In any event, the petitioner is seeking the relief totally against the interest of the so called tenant Abdul Rahman. The said person was not made as a party in this writ petition.

7. He also cites the order dated 29.08.2012 in W.P. No. 15510 of 2012 reported in CDJ 2012 MHC 4590 (Mrs. Josephine Kala Rani V. The Superintending Engineer, Valluvarkottam & Others), wherein in paragraph 13 and 14, it is observed and laid down as follows:

13. It is the consistent stand of the landlord that the premises in question has been let out for using it as a residence. But, it is seen that the petitioner is using the premises by accommodating 10 girl students and running a girls' hostel.

These are all the issues to be decided in the proceedings before the Rent Controller or the Civil Court where a suit is pending. It that being the position, when the petitioner would continue to be in occupation of the premises as a tenant till the R.C.O.P. No. 964 of 2012 and O.S. No. 1926 of 2012 are decided by the competent Courts of jurisdiction, the 2nd respondent is under obligation to consider the request of the petitioner in the manner as provided for under the provisions of the Electricity Act and Distribution and Supply Code Rules thereon. While doing so, the 4th respondent landlord has to be heard and whatever his objections be, that had to be considered.

14. In the light of the above stated position, considering the peculiar facts and circumstances of this case, in order to meet the ends of justice, it would be appropriate to direct the 2nd respondent to consider petitioner's request for restoration of ELECTRICITY CONNECTION. Accordingly, the 2nd respondent is hereby directed to consider petitioner's claim for restoration of the ELECTRICITY CONNECTION, by hearing the parties concerned and take a decision in the manner known to law, at the earliest, however, not later than two weeks from the date of receipt of a copy of this order. It is made clear that the said consideration is subject to the result of the pending rent control proceedings and the Civil Suit. The writ petition is ordered accordingly. Connected miscellaneous petition is closed. There shall be no orders as to the costs.

8. The Learned Counsel for the Petitioner brings it to the notice of this Court that the decision of the Hon'ble Supreme Court in Sri Chandu Khamaru Vs. Smt. Nayan Malik and Others, , wherein in paragraph Nos. 7, 8 and 11 to 13, it is observed as follows:

7. It will be clear from sub-section (1) of Section 42 that every distribution licensee has a duty to develop and maintain an efficient coordinated and economical distribution system in his area of supply and to supply electricity in accordance with the provisions contained in this Act. Sub-section (1) of Section 43 provides that every distribution licensee, shall, on an application by the owner or occupier of any premises, give supply of electricity to such premises, within one month after receipt of the application requiring such supply. These provisions in the Electricity Act, 2003 make it amply clear that a distribution licensee has a statutory duty to supply electricity to an owner or occupier of any premises located in the area of supply of electricity of the distribution licensee, if such owner or occupier of the premises applies for it, and correspondingly every owner or occupier of any premises has a statutory right to apply for and obtain such electric supply from the distribution licensee.

8. The Electricity Act, 2003 has also made provisions to enable the distribution licensee to carry out works for the purpose of supplying electricity to the owners or the occupiers of premises in his area of supply. Section 67 of the Electricity Act, 2003 is quoted herein below:

67. Provision as to opening up of streets, railways, etc.-(1) A licensee may, from

time-to-time but subject always to the terms and conditions of his licence, within his area of supply or transmission or when permitted by the terms of his licence to lay down or place electric supply lines without the area of supply, without that area carry out works such as-

- (a) to open and break up the soil and pavement of any street, railway or tramway;
- (b) to open and break up any sewer, drain or tunnel in or under any street, railway or tramway;
- (c) to alter the position of any line or works or pipes, other than a main sewer pipe;
- (d) to lay down and place electric lines, electrical plant and other works;
- (e) to repair, alter or remove the same;
- (f) to do all other acts necessary for transmission or supply of electricity.

(2) The Appropriate Government may, by rules made by it in this behalf, specify,-

- (a) the cases and circumstances in which the consent in writing of the appropriate Government, local authority owner or occupier, as the case may be, shall be required for carrying out works;
- (b) the authority which may grant permission in the circumstances where the owner or occupier objects to the carrying out of works;
- (c) the nature and period of notice to be given by the licensee before carrying out works;
- (d) the procedure and manner of consideration of objections and suggestions received in accordance with the notice referred to in clause (c);
- (e) the determination and payment of compensation or rent to the persons affected by works under this section;
- (f) the repairs and works to be carried out when emergency exists;
- (g) the right of the owner or occupier to carry out certain works under this section and the payment of expenses therefor;
- (h) the procedure for carrying out other works near sewers, pipes or other electric lines or works;
- (i) the procedure for alteration of the position of pipes, electric lines, electrical plant, telegraph lines, sewer lines, tunnels, drains, etc.;
- (j) the procedure for fencing, guarding, lighting and other safety measures relating to works on streets, railways, tramways, sewers, drains or tunnels and immediate reinstatement thereof;

- (k) the avoidance of public nuisance, environmental damage and unnecessary damage to the public and private property by such works;
- (l) the procedure for undertaking works which are not reparable by the Appropriate Government, licensee or local authority;
- (m) the manner of deposit of amount required for restoration of any railways, tramways, waterways, etc;
- (n) the manner of restoration of property affected by such works and maintenance thereof;
- (o) the procedure for deposit of compensation payable by the licensee and furnishing of security; and
- (p) such other matters as are incidental or consequential to the construction and maintenance of works under this section.

(3) A licensee shall, in exercise of any of the powers conferred by or under this section and the rules made thereunder, cause as little damage, detriment and inconvenience as may be, and shall make full compensation for any damage, detriment or inconvenience caused by him or by any one employed by him.

(4) Where any difference or dispute including amount of compensation under sub-section (3) arises under this section, the matter shall be determined by the Appropriate Commission.

(5) The Appropriate Commission, while determining any difference of dispute arising under this section in addition to any compensation under sub-section (3), may impose a penalty not exceeding the amount of compensation payable under that sub-section.

11. We may now apply the aforesaid provisions of Electricity Act, 2003 to the facts of the present case. The appellant has a statutory right to apply for and obtain supply of electricity from the distribution licensee and the distribution licensee has a corresponding statutory obligation to supply electricity to the appellant. Respondent Nos. 1 to 3 also do not object to the supply of electricity by the distribution licensee to the appellant as it will be clear from the averments made in writ petition No. 345 of 2005 filed by them before the High Court but they object to the line for supply of electricity being drawn through the passage in Dag Nos. 406, 407 and 409 which they claim to be theirs. The further grievance of the respondent Nos. 1, 2 and 3 is that they were not made parties in the earlier Writ Petition No. 18220 of 2004 filed by the appellant in which the High Court directed the distribution licensee to effect supply of electricity to the house of the appellant.

12. The case of the appellant, on the other hand, is that this passage is not a private passage of respondent Nos. 1 to 3 but is a common passage and therefore an electric line can be drawn through this common passage. This dispute will have to be resolved in Civil Suit No. 83 of 2004 pending in the Court

of Civil Judge (Junior Division), Howrah, or in any other suit, but pending resolution of this dispute between the parties, the appellant cannot be denied supply of electricity to his house.

13. We, therefore, set aside the order of the learned Single Judge as well as the impugned order of the Division Bench and dispose of the Writ Petition of respondent nos. 1 to 3 with the direction that the distribution licensee will find out whether there is any other way in which electric line can be drawn for supply of electricity to the house of the appellant, other than the disputed passage in Dag Nos. 406, 407 and 409. If there is no other way to supply electricity to the house of the appellant, the distribution licensee will follow the provisions of sub-section (2) of Section 67 of the Electricity Act, 2003 for carrying out the work for supply of electricity to the house of the appellant. This exercise will be completed within a period of six months from today and till the supply of electricity to the house of the appellant is effected through some other way, supply of electricity to the house of the appellant will not be disconnected.

9. The Learned Counsel for the Petitioner refers to the order of the Hon''ble Supreme Court dated 07.11.2008 reported in CDJ 2008 SC 2000 (V.K. Mehta V. Secretary, Urban Improvement Trust (UIT), wherein in paragraph Nos. 4 to 8, it is observed and held as under:

4. Undisputedly, the plot was allotted to the appellant in the year 1986 and possession was delivered to him in that very year after he paid the entire price therefor. Thereupon, after expiry of three years, a lease deed was executed in favour of the appellant in the year 1989. The appellant constructed the house in the year 1990. Undisputedly, the ELECTRICITY CONNECTION was provided in the said locality in the year 1998 and water connection in the year 2000. So far as roads and drainage are concerned, the same were provided to the residents of the said locality in the year 2003.

5. From the aforesaid facts, it becomes clear that though allotment of the plot was made to the appellant, but no amenities, viz., electricity, roads, water supply and drainage were provided for a decade or even thereafter.

6. In the facts and circumstances of the case, we are of the view that the District Forum was not justified in dismissing the complaint and the State Commission has committed an error in affirming the same. In our view, the National Commission should not have remitted the matter but should have decided the revision application on merits. Ordinarily, we might have remitted the matter to the National Commission to dispose of the revision application on merits, but, as this case has a chequered history, we do not propose to adopt that course.

7. Having heard the appellant, who has appeared in-person and the learned counsel appearing on behalf of the respondent and taking into consideration the totality of circumstances, we feel that it will be just and expedient to award a sum of Rupees five lakhs to the appellant by way of compensation.

8. Accordingly, the appeals are allowed, impugned orders are set aside, complaint filed by the appellant is allowed and the appellant is awarded compensation of Rupees five lakhs, which must be paid within a period of three months from today to him by Banker's cheque or Demand Draft in his favour upon a Scheduled Bank at Ajmer.

10. He also invites the attention of this Court to the order dated 11.07.2011 in W.P. No. 2388 of 2011 reported in R. Balu Vs. The Tahsildar and The Managing Director/Chairman Tamil Nadu Slum Clearance Board , wherein in paragraph Nos. 4 and 5, it is held as follows:

4. The claim of the petitioner in respect of issuance of patta by the Tahsildar is still pending. In spite of the fact that the petitioner has been in possession for the past so many years, the ELECTRICITY CONNECTION has not been given on the ground that the first respondent-Tahsildar has not issued the "No Objection Certificate" for the same. If the petitioner is in possession for more than 30 years occupying the place in a residential area, unless and until, the respondents take appropriate action for eviction in the manner known to law, the petitioner is certainly entitled for the ELECTRICITY CONNECTION, which forms part of right to live under Article 21 of the Constitution of India. To lead a life with human decency the supply of electricity is necessary and the conferment of the same is a duty cast upon the authority concerned.

5. Considering the above facts and circumstances of the case, this writ petition is disposed of, with a direction against the first respondent-Tahsildar to issue necessary "No Objection Certificate" for the purpose of ELECTRICITY CONNECTION in respect of the house at No. 10, Sevanthipoo Street, Ezhil Nagar, Kodungaiyur, Chennai 600 118 comprised in Survey Nos. 3850 and 3860, Tondiarpet Village, Chennai, however, subject to various conditions imposed in accordance with law. It is made clear that conferment of ELECTRICITY CONNECTION with "No Objection Certificate" from the first respondent-Tahsildar, does not confer the petitioner with any right over the property. Such "No Objection Certificate" shall be issued by the first respondent-Tahsildar within a period of four weeks from the date of receipt of a copy of this order. No costs.

11. The Learned Counsel for the Petitioner cites the decision of this Court in C.V. Thirugnanam Vs. The District Collector, Coimbatore District, District Collectorate, Coimbatore and Others, , wherein it is held as follows:

The occupant of the premises who is not the owner can avail electricity on producing proof of his being in lawful occupation of the premises as well as executing an indemnity bond and making security deposit in the event of any loss arising out of effecting, such service connection.

12. The Learned Counsel for the Petitioner refers to the copy of Letter (Ms.) No. 14, dated 12.03.2001, of the Secretary to Government, Energy (C3) Department, Secretariat, Chennai 9, addressed to The Chairman, TNEB, Chennai-2, whereby and whereunder, it is stated as follows:

Sir,

Sub: Electricity Extension of power in Poramboke lands Effecting of supply on execution of Indemnity Bond where NOC could not be produced.

Ref: 1. Letter (Ms.) No. 185, Energy dated 27-9-2000

2. From the Member (Distribution) Tamil Nadu Electricity Board, Lr. No. SE/Comm/EE3/AEE2/F9-2/D.53/2001, dt. 14.2.2001.

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I am directed to stated that the Government have decided that power supply to buildings constructed in Poramboke lands may be considered on execution of Indemnity Bond where No Objection Certificate could not be produced by the concerned person from the departments concerned.

2. I am also directed to state that while effecting the power supply to the buildings constructed on poramboke lands, the following conditions shall be adhered to strictly:

i) Indemnity Bond shall not confer permanent and full right to the ownership of the land.

ii) The undertaking will be to the effect that those who obtain the electricity supply will be liable to be evicted at any time if the lands are required by Government and/or any dispute arises at a later date and that the electricity supply given in this regard will not confer any claim on ownership of the land.

3. I am further to state that the Government's intention is to abide by the judgment of the High Court, Chennai in writ petition Nos. 10748 and 12714/98 dated 10901998 and at the same time not to deprive the present incumbents from the Electricity supply.

13. The Learned Counsel for the Petitioner seeks in aid of the order dated 07.01.2005 in W.P. No. 28805 of 2005 (between M. Thamarai Pushpam V. Assistant Engineer (O & M), Tamilnadu Electricity Board, Chennai 600 007), wherein it is observed as follows:

The grievance of the petitioner is that the respondents are refusing to provide electricity connection to the premises where the petitioner is residing with her family. It appears that there is a tussle between the petitioner and her landlord. Obviously, the petitioner's Landlord is not willing to give "No Objection" for effecting supply to the premises where the petitioner is residing. Since it is the residential premises, the petitioner cannot live without power supply.

2. The respondents are, therefore, directed to sanction and provide supply to the petitioner's residential house bearing Door No. 79, Plot No. 150, 3rd Street, Bharath Rajiv Gandhi Nagar, Kolathur, Chennai 99 comprised in Survey No. 14, Block No. 1, subject to the petitioner complying with any amount of deposit or any other undertaking to be executed by the petitioner for effecting power

supply. The petitioner shall make an application for effecting such supply within two weeks from the date of receipt of copy of this order and on such application being made, the respondents shall effect supply forthwith. With the above directions, the Writ Petition is disposed of. No costs.

14. It comes to be known that the Petitioner (as owner) submitted an application in Form I to the Tamil Nadu Electricity Board seeking supply of electricity connection to his residence at bearing Door No. 188, 4th Street, Bharath Rajiv Gandhi Nagar, Kolathur, Chennai. According to him, he is a resident of Chennai District as per Certificate dated 07.03.2007 issued by the Tahsildar, Purasawalkam Perambur Taluk, Chennai 11.

15. It is to be pointed out that Section 43 of the Tamil Nadu Electricity Act under the head "Duty to supply on request" reads as follows:

43. Duty to supply on request.-(1) [Save as otherwise provided in this Act, every distribution] licensee, shall, on an application by the owner or occupier of any premises, give supply of electricity to such premises, within one month after receipt of the application requiring such supply:

Provided that where such supply requires extension of distribution mains, or commissioning of new sub-stations, the distribution licensee shall supply the electricity to such premises immediately after such extension or commissioning or within such period as may be specified by the Appropriate Commission:

Provided further that in case of a village or hamlet or area wherein no provision for supply of electricity exists, the Appropriate Commission may extend the said period as it may consider necessary for electrification of such village or hamlet or area.

[Explanation.-For the purposes of this sub-section, "application" means the application complete in all respects in the appropriate form, as required by the distribution licensee, along with documents showing payment of necessary charges and other compliances:]

(2) It shall be the duty of every distribution licensee to provide, if required, electric plant or electric line for giving electric supply to the premises specified in sub-section (1):

Provided that no person shall be entitled to demand, or to continue to receive, from a licensee a supply of electricity for any premises having a separate supply unless he has agreed with the licensee to pay to him such price as determined by the Appropriate Commission.

(3) If a distribution licensee fails to supply the electricity within the period specified in sub-section (1), he shall be liable to a penalty which may extend to one thousand rupees for each day of default.

16. It is to be noted that the rights of the Electricity Board to recover charges is not destroyed by the Limitation Act. However, towards an arrears of payment of

electricity consumption charges, the Electricity Board can disconnect the service.

17. In reality, Clause 8.02 of the terms and conditions of Tamil Nadu Electricity Board runs as follows:

8.02. Within a door number or sub-door number an establishment or person will not be given more than one service connection. Where more than one person or more than one establishment is in occupation of a door number or sub-door number, more than one service connection will be given only if there is a permanent physical segregation of areas for which different service connections are applied for.

However, more than one service connection in a door number/sub-door number will be given if the second service connection is for a welding set in the same door number/sub-door number.

18. Further, Clause 8.03 visualises as follows:

8.03 Upon receipt of an application for supply of electricity a notice will be sent to the intending consumer that he or the contractor acting on his behalf or his representative should meet the Engineer of the Board to agree on the position of the point of supply cut-out or circuit-breaker and meter. The Board will in no case fix its meter, cut-out etc., nor allow the same to remain in any position which will entail entry by its employees into purdah or religious quarters.

19. No doubt, Section 18 of the Tamil Nadu Electricity Supply Code, 2004 speaks of "Consumer Grievance Redressal" and in fact, all grievances of the consumers, relating to the provisions under Regulations (3) to (17) of Supply Code shall be referred by the consumer to the respective Consumer Grievance Redressal Forum constituted under the Act.

20. Besides this, Section 23 (AA) of the Electricity Supply Code speaks of "The Procedure for assessment of the electricity charges, disconnection of supply of electricity and removing the meter, electric line, electric plant, and other apparatus in case of theft of electricity as detailed in Section 135 of the Act.

21. It cannot be gainsaid that the Board can supply electricity subject to the execution of Indemnity Bond in the prescribed form. Merely because power supply was given to an individual, the same does not confer ownership over the disputed land as per decision *P. Arumugam Vs. Government of Tamil Nadu*, *The Chairman, Tamilnadu Electricity Board, The Superintendent Engineer (S.E.) Mettur Electricity Distribution Circle and The Asst. Engineer, Distribution Town, Tamilnadu Electricity Board*, . Indeed, the Electricity Board is vested with the power to modify, alter or delete any terms and conditions of the supply and no notice is required, as per decision *Madura Coats Ltd., Dindigul Spinners Association and South India Small Spinners Association Vs. The State of Tamil Nadu and The Tamil Nadu Electricity Board*, .

22. Moreover, Regulation 25 of the Tamil Nadu Electricity Distribution Code, 2004

and Section 42 of the Electricity Act, 2003 cast a duty on the Electricity Board to provide supply of electricity to owner or occupier of any premises, whenever he applies for it as per decision Bharat Heavy Electricals Limited, Tiruchirapalli, rep. By its General Manager/Personnel & Admn., and another, (2007) 2 MLJ 111.

23. At this stage, this Court aptly points out the decision K.G. Ravindran Vs. The Assistant Engineer, Tamil Nadu Electricity Board, , wherein it is held as follows:

If a tenant furnishes the particulars mentioned in Clause 27(4) of the Tamil Nadu Electricity Distribution Code in case that the landlord refused to consent to giving a service connection to the tenant, the Board may provide the service connection.

24. In this connection, this Court worth recalls and recollects the decision S. Rajakumari Vs. The Chairman, The Tamilnadu Electricity Board, Executive Engineer, The Tamilnadu Electricity Board and The Assistant Engineer O and M, CEDC/W, The Tamilnadu Electricity Board , wherein it is laid down as follows:

A plain reading of Rule 27(12) of Code clarifies that the Board is under the obligation to provide supply. As the word used is "shall", such supply shall be given even in a Poramboke land on production of necessary documents.

The petitioners have produced their ration cards and voters identity cards, which are issued by the State. Therefore, those documents are sufficient to conclude that they are the necessary documents. The only problem of the respondents is the objection raised by the P.W.D. authorities have got any right to object for giving any service connection.

25. In the decision The Tamil Nadu Electricity Board Vs. R. Raja, , it is observed and held as under:

The Electricity Board has the responsibility to properly conduct inspection, inform the consumer of electricity about the inspection and give the consumer opportunity in compliance with the principles of natural justice. Not having done so the Electricity Board's order to disconnect supply of electricity of plaintiff was unsustainable.

26. Also, in the decision The Divisional Engineer (West), Tamil Nadu Electricity Board Vs. J. Rajendra Prasad, , it is held as follows:

Under the Terms and Conditions of Supply of Electricity, Electricity Board has the responsibility to pass initial assessment of notice and then, show cause notice and final order should be passed only after conducting enquiry after giving opportunity to the customer, otherwise, it would result in violation of principles of natural justice and is not enforceable in law.

27. In the decision of the Hon''ble Supreme Court in Special Officer, Commerce, North Eastern Electricity Company of Orissa (NESCO) and Another Vs. Raghunath Paper Mills Private Limited and Another, , it is held as follows:

Subject to fulfilment of conditions, distributing licensee is duty-bound to supply

electricity within one month after receipt of application from owner or occupier.

28. It is to be noted that anybody who is likelihood to be affected by the order of a Public Officer is entitled to bring an application for Mandamus if the Officer acts in contravention of his statutory duty, as opined by this Court.

29. In the decision of the Hon"ble Supreme Court *Saraswati Industrial Syndicate Ltd. and Others Vs. Union of India (UOI)*, wherein it is held that "The application must be preceded by a distinct demand for performance of the duty, in order to give the party an opportunity to consider whether he should comply or not, and such demand must be shown to have been met by a refusal either by words or conduct so that the Court may be satisfied that the party complained of is determined not to do what is demanded".

30. Further, as a general rule "Mandamus" is not issued in anticipation of injury except in the case of threat to a fundamental right as per decision of the Hon"ble Supreme Court in *The Bengal Immunity Company Limited Vs. The State of Bihar and Others*, .

31. In the decision of this Court *A. Muthusamy Vs. The Assistant Engineer, Tamil Nadu Electricity Board*, , it is held that "An electricity connection can be given to persons who are in occupation of premises even if their ownership is under dispute provided they furnish indemnity bond and pay necessary fee, etc. Also, it is held that electricity supply can be given in Poramboke land as per directives of Government issued from time to time."

32. The main grievance of the Petitioner is that the 2nd Respondent/Assistant Executive Engineer/Junior Engineer, Chennai 7 had orally rejected his claim [made in application dated 05.10.2012 seeking supply of electricity to his residential address mentioned therein] without following any due process of law and assigning any valid reason.

33. It is to be borne in mind that for the application submitted by the Petitioner dated 05.10.2012 addressed to the Tamil Nadu Electricity Board, the 2nd Respondent had not passed any written orders negating his request. However, the 2nd Respondent, in his counter affidavit, had averred that the Writ Petition is bad for non-joinder of Feroze Ali, who submitted an objection letter dated 09.02.2012, in which he had stated that there was a Civil Suit in O.S. No. 7335 of 1996 pending on the file of the Additional District and Sessions Judge, Fast Track Court II, Chennai and as such, no service connection should be effected to the petition premises. Even though, in the counter affidavit, it was mentioned that Feroze Ali submitted an objection letter dated 09.02.2012 as stated supra, this Court is not in a position to know about the fuller and better details of objection raised by Feroze Ali [subsequently added as 4th Respondent in this Writ Petition as per order dated 29.01.2013 of this Court] relating to the objections so raised by him in regard to the supply of service connection to the Petitioner's premises. On a careful consideration of respective contentions and this Court taking note of the fact that the Petitioner had submitted an application dated

05.10.2012 before the Tamil Nadu Electricity Board (Second Respondent) seeking electricity connection to his premises at Door No. 188, 4th Street, Bharath Rajiv Gandhi Nagar, Kolathur, Chennai for which no written orders till date were passed by the 2nd Respondent negating his request [although the claim of the Petitioner was that the 2nd Respondent had orally rejected his claim, though his application was dated 05.10.2012] and also this Court, taking note of a person's right to lead a life with dignity, in the interest of Fair Play, Good Conscience, Equity and even as a matter of prudence, directs the Petitioner to enclose a copy of the application dated 05.10.2012, together with all requisite enclosures like, family card, nativity certificate, Documents [copy of Sale Deed as proof of his purchase etc.] and various Court Orders, which he relies upon in his favour seeking supply of Electricity, within a period of two weeks from the date of receipt of copy of this order. Further, on receipt of such application being made, the 2nd Respondent is directed to consider the Petitioner's application dated 05.10.2012 seeking supply of electricity to his residential house, in a Just, Fair, Objective and Dispassionate manner and to pass a reasoned speaking order on merits [by specifying the outline of process of reasoning with quantitative and qualitative details] in the light of the ingredients of the Electricity Act, 2003, Tamil Nadu Electricity Supply Code, 2004 and also bearing in mind the tenor and spirit of the decisions cited supra by this Court, within a period of eight weeks thereafter.

With the aforesaid observations and directions, the Writ Petition is disposed of. No costs.