
(2006) 04 MAD CK 0154
In the Madras High Court
Case No : Writ Petition No. 10702 of 2006

H. Khasi Sherif

APPELLANT

Vs

The Chairman, Tamil Nadu Electricity Board and The Assistant
Engineer, Tamil Nadu Electricity Board

RESPONDENT

Date of Decision : 19-04-2006

Acts Referred:

Citation : (2006) 04 MAD CK 0154

Hon'ble Judges : K. Mohan Ram, J

Bench : Single Bench

Advocate : K. Kizar Basha, for the Appellant; K. Saravanan, for N. Srinivasan,
for the Respondent

Judgement

K. Mohan Ram, J.—Mr. K. Saravanan, learned Counsel representing Mr. N. Srinivasan, learned standing counsel for the Tamil Nadu

Electricity Board, takes notice for the respondents. With the consent of both the counsel, the writ petition itself is taken up for final disposal.

2. The above writ petition has been filed for issuance of a writ of mandamus to direct the second respondent to provide electricity connection to

the house and building situated at No. 74, Thiruvalam Village, Vellore District.

3. The necessary facts which are sufficient for disposal of the writ petition are set out below:

(i) It is the case of the petitioner that the house and building situated at No. 74, Thiruvalam Village, Vellore District comprised in S. No. 204,

belongs to him and the property tax receipts stands in the name of the the petitioner and his mother.

(ii) It is the further case of the petitioner that he had submitted an application before the second respondent on 02.01.2006 along with local Village

Administrative Officer certificate and also furnished the property tax receipts along with the application. The second respondent insisted the

petitioner to execute the Indemnity Bond along with the application. According to the petitioner, Indemnity Bond was also executed on

06.02.2006. In spite of the compliance of the requirement as contemplated in Clause 27(4) of the Tamil Nadu Electricity Distribution Code, the

second respondent has not provided the electricity connection and hence the above writ petition has been filed.

3. Heard both sides.

4. Learned counsel for the petitioner made his submission on the basis of Clause 27 (4) of the Tamil Nadu Electricity Distribution Code, 2004,

which reads as follows :

An intending consumer who is not the owner of the premises he occupies 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 he 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 Annexure III to this code

indemnifying the licensee against any loss on account of disputes arising out of effecting service connection to the occupant and acceptance to pay

security deposit twice the normal rate.

5. In this case, the petitioner has produced property tax receipt and the Village Administrative Officer's Certificate, which prima facie show that

the petitioner is the owner of the property. If the person applying for the service connection happen to be the owner of the premises occupied by

him, then Clause 27(4) of the Tamil Nadu Electricity Distribution Code 2004 will not apply. The condition contained in Clause 27(4) of the said

code applies for the case of an intending consumer, who is not the owner of the premises occupied by him. Even so, as could be seen from the

legal notice issued by the petitioner to the second respondent he had undertaken to execute the indemnity bond and in fact had enclosed a

photocopy of the indemnity bond along with the legal notice. The second respondent has not sent any reply for the legal notice. In spite of the

above said facts, the second respondent has failed to provide the service connection to the petitioner.

6. In such circumstances, the second respondent is directed to provide the electricity service connection sought for by the petitioner to the property

situated at No. 74, Thiruvalam Village, Vellore District within a period of three weeks from the date of receipt of a copy of this order without

insisting for the execution of Indemnity Bond, if there is no objection from the petitioner's mother and if the petitioner's mother who is admittedly a

co-owner of the property raises any objection, then the second respondent can call upon the petitioner to execute the indemnity bond and on the

execution of the Indemnity Bond by the petitioner, the respondent shall provide the electricity service connection as directed above.

The petition is disposed of with the above directions. No costs.