
(2003) 09 MAD CK 0179
In the Madras High Court
Case No : Writ Petition No. 22087 of 2003

K. Mohan and Others

APPELLANT

Vs

Tamil Nadu Electricity Board and Others

RESPONDENT

Date of Decision : 30-09-2003

Acts Referred:

Electricity (Supply) Act, 1948 — Section 79

Citation : AIR 2004 Mad 122 : (2003) 3 MLJ 773

Hon'ble Judges : P.D. Dinkaran, J

Bench : Single Bench

Advocate : G. vasudevan, for the Respondent

Final Decision : Dismissed

Judgement

P.D. Dinkaran, J.—No representation on behalf of the petitioners.

2.1. Concededly, the petitioners are tenants with respect to the premises at Door Nos. 12-A, 19, 21, 21-A, 26, 27, 29, 31, 34-A, 44, 46, 61, 84, 98, 103, 104, 109-A, 136-A, 138-B, 141-A, 165, 166, 169, 171, 172 and 182 respectively situated at Rajapillai Thottam, T. Nagar, Chennai-17.

2.2. The owners of the said premises filed W. P. No. 13633 of 1995 seeking a writ of Mandamus to direct the respondents therein not to supply electricity to any persons occupying the portion of the extent of 72 grounds 325 sq. ft. comprised in T. S. No. 5260/1, Block No. 119 in Mambalam Guindy Taluk, known as Raju Pillai Thottam except for those to whom electricity has already been supplied,

2.3. On the other hand, some of the tenants with respect to premises at Door Nos. 161, (SIC)1, 81, 98, 141, 109, 116, 139(C), 137, 141-A, 104, 138, 30, 127, 26, 21, 84, 113, 29, 27, 182, 165, 162, 162/1, 142. 171 and 172 at Raju Pillai Thottam, T. Nagar, Chennai filed W. P. No. 11658 of 1999 seeking a writ of Mandamus to direct the second respondent therein to provide electricity service connection to the premises at Door Nos. 161, 151, 81, 98, 141, 109, 116, 139(C), 137. 141-A, 104, 138, 30 127, 26, 21, 84, 113, 29, 27, 182. 165, 162,

162 1, 142, 171 and 172 at Raju Pillai Thottam, T. Nagar, Chennai.

2.4. This Court, while disposing of the said writ petitions, viz., W. P. Nos. 13633 of 1995 and 11658 of 1999, by order dated 4-7-2002, held as follows :

"... 3. Heard both sides. It is brought to the notice of this Court that some of the occupants, who have impleaded themselves as parties in this writ petition were not given electricity supply though they complied with the mandatory requirements, hence they sought similar relief along with the petitioners in W. P. No. 11658 of 1999.

4. Considering the circumstance of the case, I direct the respondent/Electricity Board that, whenever they receive application from the occupants of T. S. No. 5260/ 1, Block No. 119 in Mambalam Guindy Taluk, known as Raju Pillai Thottam, they shall consider the objections of the petitioner and it is for the Electricity Board to decide whether the individual/ applicant is entitled to electricity connection or not in terms of Clauses 6.02 and 6.03 of Terms and Conditions of Electricity Supply and pass orders in accordance with law."

3. Pursuant to the said direction of this Court dated 4-7-2002 in W. P. Nos. 13633 of 1995 and 11658 of 1999, the second respondent, by proceedings dated 11-2-2003, required the petitioners to submit the no objections from their, neighbours through whose lands the electric line has to be taken for giving electricity service connection to the property of the tenants, besides requiring the petitioners to get the consent of the owners of the respective premises.

4. The petitioners have not chosen to challenge the Said proceedings dated 11-2-2003 of the second respondent. However, the petitioners seek a writ of Mandamus to direct the respondents to provide electricity service connection to the petitioners residential premises at Door Nos. 12-A, 19,21, 21-A, 26, 27, 29, 31, 34-A, 44, 46, 61, 84, 98, 103, 104, 109-A, 136-A, 138-B, 141-A, 165, 166, 169, 171, 172, and 182 respectively situated at Rajapillai Thottam, T Nagar, Chennai- 600 017.

5. Mr. G. Vasudevan, learned counsel for the respondent/ Board brought to my notice Clause 6.06 of the Terms and Conditions of the Tamil Nadu Electricity Board, which reads as follows :

"Clause 6.06 : Where the intending consumer's premises has no frontage on a street and the supply line from the Board's mains has to go upon, over or under the adjoining premises of any other person (whether or not the adjoining premises is owned jointly by the intending consumer and such other person), the intending consumer shall arrange at his own expense for any necessary way leave, licence or sanction before the supply is effected. Any extra expense to be incurred by the Board in placing the supply line in accordance with the terms of the way leave, licence or sanction shall be borne by the intending consumer. In the event of way leave, licence or sanction being cancelled or withdrawn, the intending consumer at his own cost arrange for any diversion of the service line

or the provision of any new service line thus rendered necessary."

6. If that be so, unless the petitioners, who are intending consumers, arrange for necessary way leave, licence or sanction for providing the electricity service connection to the respective premises, referred to above, it may not be proper for this Court to grant a writ of Mandamus as prayed for. Hence, finding no merits, this writ petition is dismissed. No costs. Consequently, W. P. M. P. No. 27360 of 2003 is also dismissed.