

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.03.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S. SIVAGNANAM

W.P. No.4192 of 2014

Kaliammal

.. Petitioner

v.

1.The District Collector,
Namakkal District, Namakkal.

2.The Executive Engineer,
Public Works Department,
W.R.O. Upper Cauvery Basin Circle,
Salem-7.

3.The Executive Engineer,
Tamil Nadu Generation of Electricity
and Distribution Corporation Limited,
Namakkal.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the second respondent to issue a No Objection Certificate to the petitioner on the application dated 11.11.2013 for getting electricity connection for installation of a Motor in the place of Oil Engine to irrigate the lands of the petitioner in S.Nos.133/1A, 133/10, 133/1K, 133/11 and 134/3 in S.Valavanthi Village, Paramathy Taluk, Namakkal District.

For petitioner : Mr.S.Baskaran

For respondents: Mr.R.Vijayakumar,
AGP for R1 and R2
Mr.S.K.Rameshwar for R3

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ORDER

Heard Mr.S.Baskaran, learned counsel for the petitioner, Mr.R.Vijayakumar, learned Additional Government Pleader appearing for R1 and R2 and Mr.S.K.Rameshwar, learned counsel for R3.

2.The case of the petitioner is that she purchased agricultural lands in S.Nos.133/1A, 133/1D, 133/1F, 133-H comprised in Patta No.585, measuring 2 ½ acres from one Velusamy. As taking water using oil engine is uneconomical and expensive because of Diesel price and maintenance of oil engine, she applied for Electricity connection for installing Electric Motor instead of Oil Engine. she applied to the second respondent for issuing "No Objection Certificate" for giving electricity connection, enclosing necessary details. The said application was forwarded to Assistant Executive Engineer. According to the petitioner, till date, no reply was sent to the petitioner. Since the third respondent could not give the service connection without the No Objection Certificate from the second respondent, the petitioner has filed this petition seeking writ of mandamus directing the second respondent to issue a No Objection Certificate to the petitioner on the application dated 11.11.2013 for getting electricity connection for installation of a Motor in the place of Oil Engine to irrigate the lands of the petitioner in S.Nos.133/1A, 133/10, 133/1K, 133/11 and 134/3 in S.Valavanthi Village, Paramathy Taluk, Namakkal District.

3.It is seen that the Electricity Board passed an order on 16.08.2013 to the effect that unless and until the petitioner obtain No Objection Certificate from the Public Works Department, the application cannot be considered.

4.Learned counsel for the petitioner would submit that S.N.302 Komarapalayam Channel Lift Irrigation Society has granted their consent on 29.08.2013 and therefore the only issue that is pending is the petitioner's request for grant of NOC from the second respondent.

5.Counter affidavit has been filed by the first respondent stating that since the said well is connected with Kumarapalayam Channel, no objection certificate has to be obtained from Public Works Department even to register a new application.

6.Accordingly the writ petition is disposed of directing the second respondent to consider the petitioner's application for grant of No Objection Certificate and pass appropriate orders on merits and in accordance with law, within a period of three weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to the petitioner. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vga
To

1.The District Collector,
Namakkal District, Namakkal.

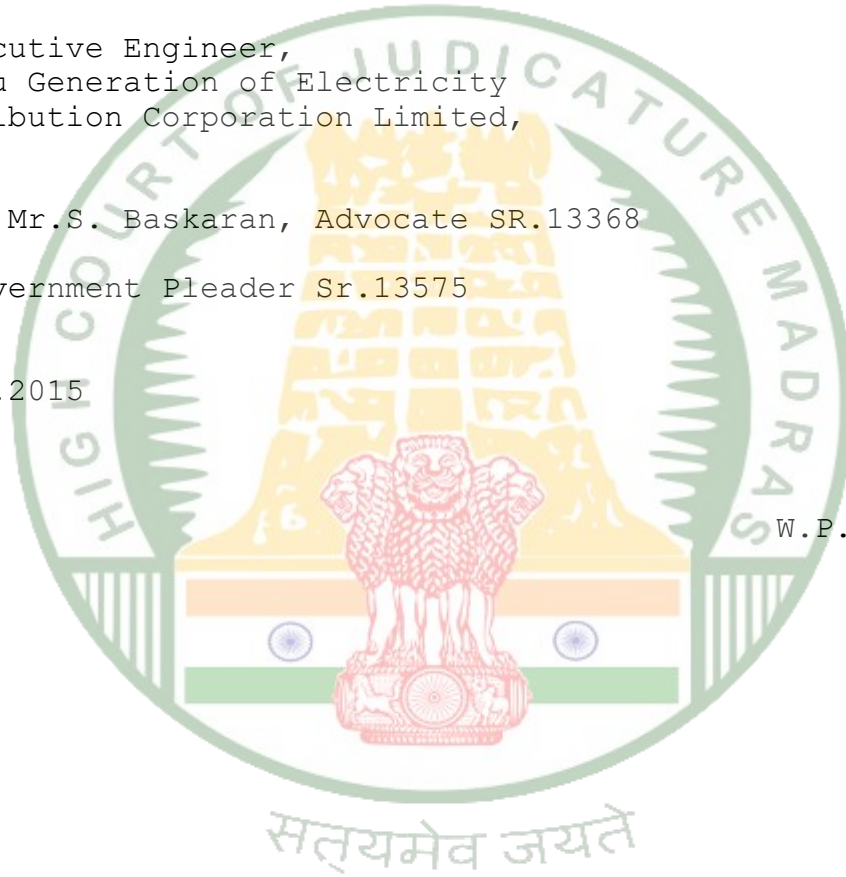
2.The Executive Engineer,
Public Works Department,
W.R.O. Upper Cauvery Basin Circle,
Salem-7.

3.The Executive Engineer,
Tamil Nadu Generation of Electricity
and Distribution Corporation Limited,
Namakkal.

+ 1 cc to Mr.S. Baskaran, Advocate SR.13368

+ 1 cc Government Pleader Sr.13575

CNR(CO)
EU 11.04.2015



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