

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.34149 of 2014 &
M.P.No.2 of 2014

K.Natarajan

[PETITIONER]

Vs

- 1 The Chairman
Tamilnadu Generation and Distribution
Corporation Ltd.
NPKRR Maaligai
144 Anna Salai, Chennai-600 002.
- 2 The Assistant Engineer (O&M)
Tamilnadu Generation and Distribution
Corporation Ltd.
Sampalli 636 403
Salem District.
- 3 The Executive Officer
P.N. Patti Selection Grade Town Panchayat
Mettur Dam-2
Salem District.

[RESPONDENTS]

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of certiorarified mandamus, to call for the records of the second respondent in letter No. Ka.No.U.Po/E.Th. Pa./ O.M./Ka.Thani/No. 160/2014 dated 2.8.2014 and quash the same and consequently direct the second respondent to effect electricity connection to the petitioners hut situated at Door No.14/105 Desai Nagar Adi Dravidar Street Ramamoorthy Nagar Mettur Dam Salem District.

For Petitioner : Mr.P.Kannan Kumar

For Respondents : Mr.S.K.Rameshwar - R1 & R2

Mr.V.Jaya Prakash Narayanan-R3
Spl.Govt.Pleader

O R D E R

By consent of the learned counsel on either side, the writ

petition is taken up for final disposal.

2. Heard Mr.P.Kannan Kumar, learned Counsel appearing for the petitioner, Mr.S.K.Rameshwar, learned Counsel appearing for the respondents 1 & 2 and Mr.V.Jaya Prakash Narayanan, learned Special Government Pleader appearing for the third respondent.

3.The petitioner has challenged the proceedings of the respondent Electricity Board dated 02.08.2014, refusing grant electricity service connection, on the ground that the petitioner has not produced any document to establish his ownership of the property and that the petitioner has encroached the Government land.

4.The petitioner's case is that there was a small hut which gutted down in a fire accident thereafter he constructed a house and the house has been assessed to tax.

5.From paragraph No.7 of the counter affidavit, it is seen that the Selection grade Panchayat, which has issued the Tax Receipt has stated that the tax has been remitted and that receipt is a genuine document, but that does not relate to the property in question.

6.In the light of the serious disputed question of fact, the petitioner has to first establish that he is not an encroacher of the Government property, the land on which the house was constructed is owned by him and the construction has been made after obtaining planning permission. After obtaining the aforesaid three records, the petitioner may approach the respondent Board for electricity service connection.

The Writ Petition is dismissed with the above observation. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CO)

/true copy/

WEB COPY
Sub Asst. Registrar

rpa

To

- 1 The Chairman
Tamilnadu Generation and Distribution
Corporation Ltd. NPKRR Maaligai
144 Anna Salai, Chennai-600 002.

2 The Assistant Engineer (O&M)
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Sampalli 636 403
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3 The Executive Officer
P.N. Patti Selection Grade Town Panchayat
Mettur Dam-2
Salem District.

+1 cc to Mr.P.Kannankumar, Advocate, sr.62527
+1 cc to Mr.V.Jayaprakash, Advocate, sr.62439
+1 cc to Mr.S.K.Raameshuwar, Advocate, sr.62497

W.P. No.34149 of 2014

sv co
kra 26.11.2015



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