

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.08.2015

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

W.P. No. 23706 of 2015

N. Krishnamoorthy

..Petitioner

Vs.

1. The Chairman,
Tamil Nadu Electricity Board,
Anna Salai, Chennai.
2. The Asst. Executive Engineer/
Junior Engineer,
Tamil Nadu Electricity Board,
Thiruvannamalai.
3. The Tahsildar,
Tahsildar Office,
Thiruvannamalai.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the 2nd respondent to provide electricity connection to the petitioner house situated No. 688, Perumpakkam Road, Samuthiram Arikarai, Nallavan Palaiyam (Post), Thiruvannamalai - 606 603 as per the Electricity Act and Tamil Nadu Electricity Distribution Code, 2004 based on the petitioner's application dated 03.06.2015 given by the petitioner to the 2nd respondent, without any further delay.

For Petitioner :: Mr.S. Senthamilselvan

For Respondents:: Mr.M. Varunkumar for
R1 & R2
Mr.V. Jayaprakash
Narayanan,
Special Govt. Pleader for
R3

O R D E R

The writ petition is filed for issue of a Writ of Mandamus directing the 2nd respondent to provide electricity connection to the petitioner house situated No. 688, Perumpakkam Road, Samuthiram Arikarai, Nallavan Palaiyam (Post), Thiruvannamalai - 606 603 as per

the Electricity Act and Tamil Nadu Electricity Distribution Code, 2004 based on the petitioner's application dated 03.06.2015 given by the petitioner to the 2nd respondent, without any further delay.

2. The case of the petitioner is that he is in possession and enjoyment of the house situated No. 688, Perumpakkam Road, Samuthiram Arikarai, Nallavan Palaiyam (Post), Thiruvannamalai - 606 603 for the past, more than 15 years and more than 270 houses are situated in the said area. According to the petitioner, many of his neighbours have raised superstructure and got electricity connection. Therefore, on reconstruction of his house, the petitioner made an application to the 2nd respondent with necessary documents for providing new electricity connection to his house. The petitioner got "No Objection" certificate from the Village Administrative Officer as well as the Revenue Inspector on 05.06.2015. Thereafter, the petitioner made an application to the 3rd respondent for issuing "No Objection" certificate. In spite of several requests made, the 3rd respondent did not issue "No Objection" Certificate stating that the land in which the petitioner is residing is a "poramboke" land and for the very same reason, the 2nd respondent has also not provided electricity connection sought by the petitioner. Hence, the present writ petition.

3. Heard Mr. S. Senthamilselvan, learned counsel for the petitioner, Mr.M. Varunkumar, learned counsel for respondents 1 and 2 and Mr.V. Jayaprakash Narayanan, learned Special Government Pleader for the 3rd respondent.

4. The property, which is in the occupation of the petitioner is said to be "Erikkarai Poramboke" and it comes under the control of Public Works Department. As per the amendment made to the Tamil Nadu Electricity Distribution Code, by Tamil Nadu Electricity Regulatory Commission, vide notification No. TNERC/DC/8-21 dated 07.10.2014, whoever is in possession of Poramboke lands/Government lands is required to produce "No Objection" certificate from the concerned officer of the Government of Tamil Nadu and the person concerned is also required to execute an indemnity bond in Form-6 of Annexure III to this Code and also pay security deposit twice the normal rate, for obtaining electricity service connection.

5. Admittedly, the petitioner is in occupation of "Erikkarai Poramboke" land and therefore, he is required to get a "No Objection" Certificate from the Executive Engineer, Public Works Department, Thiruvannamalai Division and after obtaining the same, the petitioner is at liberty to approach the 1st and 2nd respondents seeking electricity connection.

6. The writ petition is disposed of with the above direction.
No costs.

nv

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Chairman,
Tamil Nadu Electricity Board,
Anna Salai, Chennai.
2. The Asst. Executive Engineer/
Junior Engineer,
Tamil Nadu Electricity Board,
Thiruvannamalai.
3. The Tahsildar,
Tahsildar Office,
Thiruvannamalai.
4. The Executive Engineer,
Public Works Department,
Tiruvannamalai Division.

+1cc to Mr.M. Varunkumar, Advocate, S.R.No.43999
+ 1 cc to Mr.S. S. Senthamil Selvan, Advocate SR.43234
+1cc to the Government Pleader, S.R.No.43452

MSM(CO)
EU(07/09/2015)

सत्यमेव जयते

W.P. No. 23706 of 2015

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