

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18-8-2015

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.24901 of 2015

B.Alamelu

... Petitioner

Vs.

1.The Junior Engineer,
Operation and Management,
Sangagiri Taluk,
Salem District.

2.The Tahsildar,
Sangagiri Taluk,
Salem District.

(R2 is suo moto impleaded as
per dated 18.08.2015 in
W.P.No.24901 of 2015)

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the Writ of Mandamus directing the respondent to consider the petitioner-representation dated 04.05.2015 and to give electricity; connection to the premises bearing Door No.2/51-1, Ulagappanur, Ernapuram Village, Sangagiri Taluk, Salem District.

For Petitioner : Mr.P.Sesubalanraja

For Respondents : Mr.S.K.Rameshuwar for R1

Mr.V.Jayaprakashnarayanan

Special Government Pleader for R2

सत्यमेव जयते
ORDER

1. The petitioner contends that he is the lawful owner of the premises bearing No.2/51-1, Ulagappanur, Ernapuram Village, Sangagiri Taluk, Salem District, since having purchased the same from one Thangasamy in 1986. At that time, the superstructure had an electricity connection bearing No.16600823.

2. After the purchase, the petitioner demolished the superstructure and built up a new superstructure. For the newly

constructed superstructure only, the petitioner is seeking electricity connection by giving representation dated 4.5.2015. Since it is not considered, the petitioner has now come before this Court.

3. It is contended by Mr.S.K.Rameshuwar, learned Standing Counsel appearing for the Tamil Nadu Electricity Board that as per amended Code, no objection has to be produced by the petitioner, since the petitioner is in possession of Odai Poramboke land. Hence, the Tahsildar, Sangagiri Taluk, Salem District is a necessary party. This Court suo motu impleads the said Officer as second respondent. Mr.V.Jayaprakashnarayanan, learned Special Government Pleader takes notice on behalf of the second respondent.

4. Heard the learned counsel appearing for the petitioner and Mr.S.K.Rameshuwar, learned Standing Counsel appearing for the first respondent and Mr.V.Jayaprakashnarayanan, learned Special Government Pleader appearing for the second respondent.

5. Since it is stated by the first respondent that the land which is occupied by the petitioner is an Odai Poramboke, the petitioner is now required to produce NOC from the second respondent, who is the proper authority.

6. In view of that, the petitioner is directed to submit a representation, seeking NOC from the second respondent within 10 days from the date of the receipt of a copy of the order and on such representation, the second respondent is directed to visit the place and conduct an enquiry, as to whether the neighbours have already obtained electricity service connection or not, and accordingly pass orders as per law within 10 days. If no objection certificate is issued by the second respondent, the same has to be submitted to the first respondent and on submission of no objection certificate, the first respondent is directed to give electricity service connection as per law within two weeks thereafter.

7. With the above the writ petition is disposed of. No costs. Consequently the connected M.P.No.1 of 2015 is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

vk

To:

1.The Junior Engineer,
Operation and Management,
Sangagiri Taluk,
Salem District.

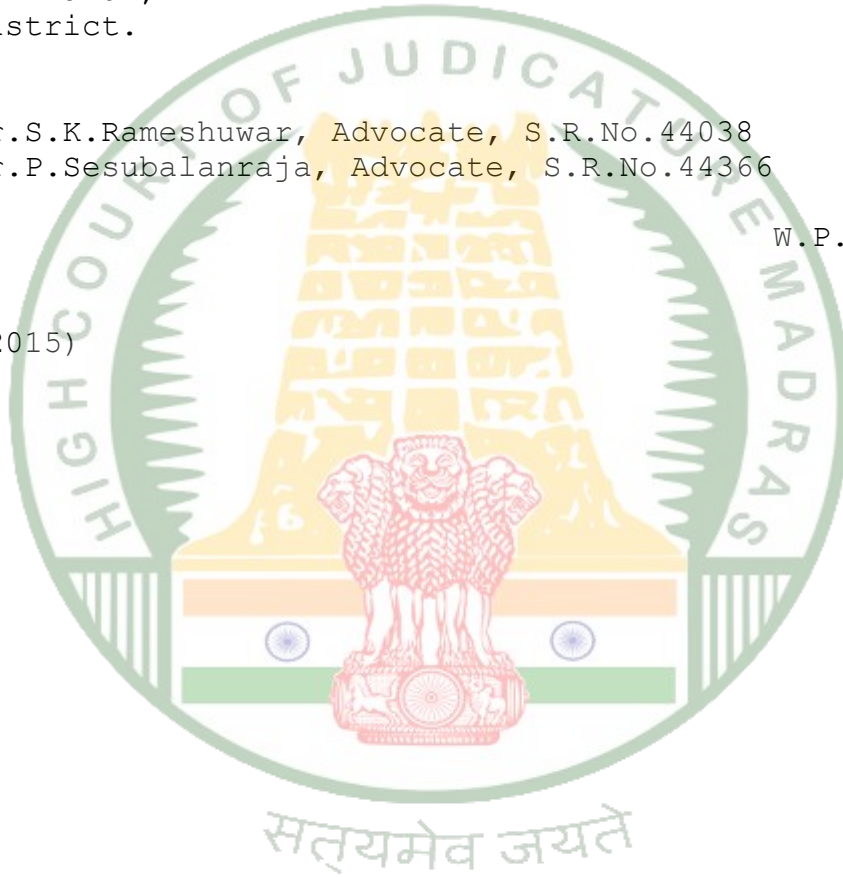
2.The Tahsildar,
Sangagiri Taluk,
Salem District.

+1cc to Mr.S.K.Rameshuwar, Advocate, S.R.No.44038

+1cc to Mr.P.Sesubalanraja, Advocate, S.R.No.44366

W.P.No.24901 of 2015

MSM(CO)
CA(14/10/2015)



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