

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09-07-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.8141 of 2015

and

M.P.No.1 of 2015

C.K.Annakutty

.. Petitioner

vs

1. The Superintending Engineer
Tamil Nadu Electricity Generation
and Distribution Corporation
(TANGEDCO)
Chengelpet
Kanchipuram District

2. The Executive Engineer
(Operations & Maintenance)
Tamil Nadu Electricity Generation
and Distribution Corporation
(TANGEDCO)
Chengelpet
Kanchipuram District

3. The Assistant Engineer
(Operations & Maintenance)
Tamil Nadu Electricity Generation
and Distribution Corporation
(TANGEDCO)
Thirukazhukundram
Thirukazhukundram Taluk
Kanchipuram District

4. The Junior Engineer
(Operations & Maintenance)
Tamil Nadu Electricity Generation
and Distribution Corporation
(TANGEDCO)
Thirukazhukundram
Thirukazhukundram Taluk
Kanchipuram District

5.V.Kamalakaran

.. Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of certiorarified mandamus calling for the records and quashing the impugned order/communication dated 5.3.2015, of the third respondent and consequently, directing

the respondents 1 to 4 to grant electricity service connection to the petitioner to his residence at 74, Nei Kuppi, Pavanar Street, Indira Gandhi Nagar, Venkampakam Post, Kancheepuram District.

For Petitioner : Mr.D.Baskar

For Respondents : Mr.P.Gunaraj for RR1 to 4
No appearance for R5

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner, who is an encroacher, claims to be in possession of the superstructure bearing Door No.74, Nei Kuppi, Pavanar Street, Indira Gandhi Nagar, Venkampakam Post, Kancheepuram District, and he sought electricity service connection and it was rejected by the third respondent vide impugned order dated 5.3.2015, and challenging the legality of the same, the present writ petition is filed.

3.The learned Counsel appearing for the petitioner, would submit that one V.Kamalakannan, son of late Vedhachala Mudaliar, moved the Assistant Settlement Officer (North), Chepauk, Chennai and got a favourable order dated 16.5.2011, for grant of patta in respect of Survey No.47/1 and other lands, and the Revenue Divisional Officer vide proceedings dated 22.3.2013, has stayed the operation of the said order and would further submit that the impugned order refers to the pendency of W.P.No.13329/2013 as an impediment to grant electricity service connection, whereas the said writ petition was disposed of by directing the respondents therein, who are also arrayed as respondents herein, to consider and dispose of the representation submitted by the petitioner therein viz. V.Kamalakannan, within a stipulated time frame.

4.It is the further submission of the learned Counsel appearing for the petitioner, that since W.P.No.13329/2013 is no longer pending, the petitioner is entitled to electricity service connection, which is also a basic amenity, and appropriate orders may be passed.

5.Per contra, Mr.P.Gunaraj, learned Standing Counsel, who accepted notice on behalf of the respondents 1 to 4, has invited the attention of this Court to the counter affidavit as well as to the typed-set of documents and would submit that since the appeal against the order passed by the Assistant Settlement Officer (North), Chepauk, Chennai, is pending consideration and as a consequence, the lands in question, are classified as "Anadhinam Lands", the petitioner has to get No Objection Certificate from the concerned Revenue Authorities and therefore, the respondents 1 to 4 are unable to process the application submitted by the petitioner.

6. In response to the said submission, the learned Counsel appearing for the petitioner, would submit that the nearby residents have been provided with electricity service connection and therefore,

for this petitioner also, electricity service connection can be granted subject to the pendency of the appeal before the Revenue Divisional Officer, Chengalput.

7.This Court has carefully considered the rival submissions and also perused the materials placed before it.

8.The impugned order primarily relied upon the pendency of W.P.No.13329/2013 and admittedly, it came to be disposed of on 30.4.2013. The only objection raised by the respondents 1 to 4, is that the appeal against the order of the Assistant Settlement Officer (North), Chepauk, Chennai, dated 16.5.2011, is pending adjudication on the file of the Revenue Divisional Officer, Chengalput, and therefore, the petitioner has to get No Objection Certificate from the concerned Revenue Authorities. However, it is brought to the knowledge of this Court by the learned Counsel appearing for the petitioner, that the nearby residents have been conferred with the basic amenity of electricity supply and therefore, the petitioner may also be conferred with similar amenity.

9.In the light of the above facts and circumstances, the writ petition is partly allowed and the impugned order dated 5.3.2015, passed by the third respondent, is set aside and the matter is once again, remanded to the third respondent for fresh consideration in the light of the observations made in this writ petition, and the third respondent is directed to pass orders within a period of four weeks from the date of receipt of a copy of this order, and communicate the decision taken, to the petitioner. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (J)

/true copy/

सत्यमेव जयते
Sub Asst. Registrar

nsv

To:

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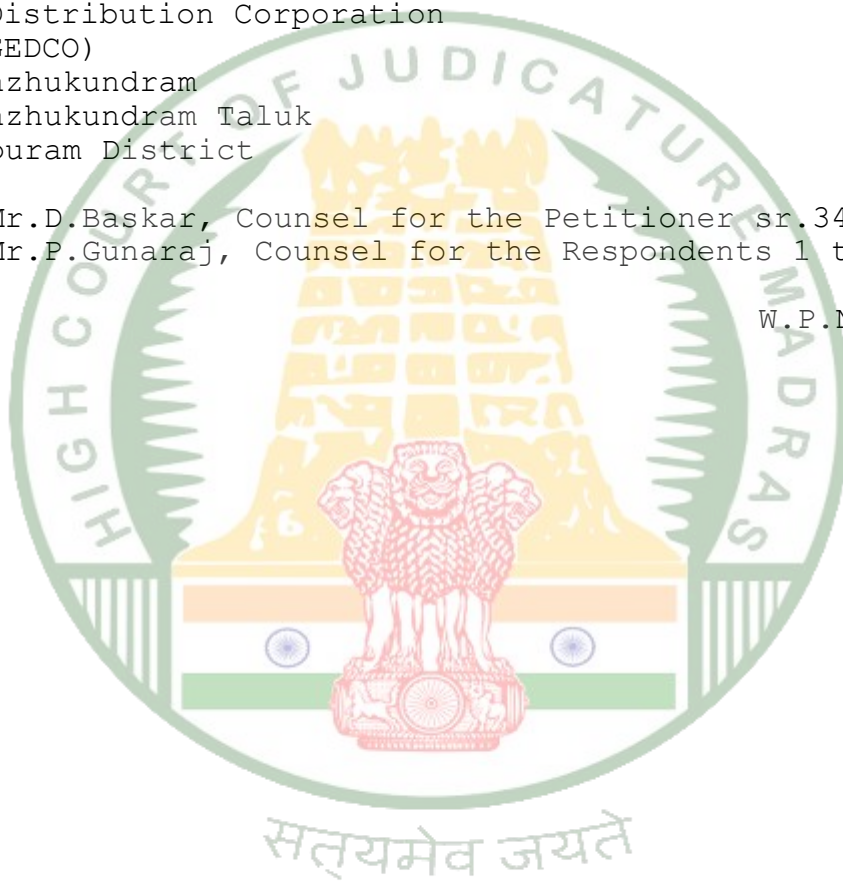
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+1 cc to Mr.D.Baskar, Counsel for the Petitioner sr.34681

+1 cc to Mr.P.Gunaraj, Counsel for the Respondents 1 to 4 sr.34940

W.P.No.8141 of 2015

vgi (co)
kra (27/07)



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