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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.(MD)No.12083 of 2015

and

M.P.(MD)No.1 of 2015

The Chairman,
Padanilam Welfare Trust,
Sree Mookambika Institute of
Medical Sciences,
Velayudhan Pillai Memorial Hospital
Complex, Kulasekharam,
Kanyakumari District-629 165.

...Petitioner

Vs.

1.The Tamil Nadu Generation and Distribution
Corporation Limited(TANGEDCO),
represented by its Chairman/Managing Director,
NPKRR Maaligai, 144, Anna Salai,
Chennai-600 002.

2.The Electrical Inspector (TANGEDCO),
Plot NO.4, EMS Bhavan,
St.Mary's Street, Perumalpuram,
Tirunelveli, Tirunelveli District-627 007.

3.The Superintending Engineer(TANGEDCO),
Kanyakumari Electricity Distribution Circle,
Nagercoil, Kanyakumari District.

4.The Assistant Executive Engineer/Distribution,
TANGEDCO, Kulasekaram-629 165,
Kanyakumari District.

5.The Junior Engineer(TANGEDCO),
Distribution/Urban, Kulasekaram,
Kanyakumari District-629 165.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Mandamus to direct the second respondent Electrical Inspector (TANGEDCO) to give approval forthwith for the proposed High Tension Power Installation in the petitioner's college premises on the basis of the petitioner's application to him dated 10.02.2014.

For Petitioner
For Respondents

: Mr.Isaac Mohanlal
: Mr.S.Kumar
Additional Government Pleader
for R.2
Mr.AU.Ramanathan
for R.1, R.3, R.4 and R.5



ORDER

This Writ Petition is filed seeking for a direction to the second respondent to give approval forthwith for the proposed High Tension Power Installation in the petitioner's college premises based on their application dated 10.02.2014.

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2. The petitioner is a welfare trust administering and running three Educational Institutions viz., (I) Sree Mookambika Institute of Medical Sciences; (ii) Sree Mookambika Institute of Dental Sciences; and (iii) Sree Mookambika College of Nursing. All the three institutes are being run in the same campus comprising of 56 acres of land within the limit of Kulasekharam Town Panchayat. The case of the petitioner is that all the buildings were constructed with the approval of the competent Authority viz., Kulasekharam Town Panchayat well before the insertion of Section 47-A(2) of the Tamil Nadu Town and Country Planning Act, 1971, which came into effect on 29.12.2010. The following are the details of the plan approval given by the Town Panchayat and the completion of the construction by the petitioner as provided in the additional typed set of papers:

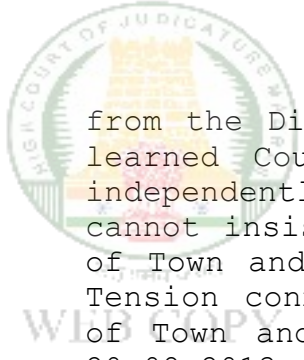
Sl.No	DOOR NO.	BUILDING DESCRIPTION	PLAN APPROVAL BY THE TOWN PANCHAYAT	COMPLETION OF CONSTRUCTION
1	14-27/4	Medical College, Cellar I, II Ground + First, Second and Third Floor	13.06.2003 24.08.2006	15.12.2003 03.07.2007
2	14-27/2	Medical College Hospital (i) Basement I, II Ground + First & Second Floor (ii) Third, Fourth & Fifth Floor (iii) Construction above the Porch	28.07.2005 25.08.2006 28.04.2008	20.03.2008 20.03.2008 15.11.2008
3	27/5	Administrative Block	07.10.2005	27.06.2006
4	14-23/ 9c	Staff Quarters I (MBBS) Addition (Third Floor)	05.08.2005 05.12.2008	27.06.2006 20.03.2009
5	14-23/ 9d	Staff Quarters II (MBBS) Ground and Third Floor	31.10.2006	20.03.2007
6	14-23/ 9e	Staff Quarters III (MBBS) Ground+First, Second and Third Floor	28.04.2008	15.11.2008
7	14-27/ 10	MBBS Ladies Hostel (i) Ground, First, Second and Third Floor (ii) Fourth Floor	05.08.2005 06.09.2008	27.06.2006 20.03.2009



8	14-27/8	MBBS Boys Hostel (I) Ground, First, Second and Third Floor	05.08.2005	27.06.2006
		(ii) Fourth Floor	06.09.2008	20.03.2009
9	14-27/9	Class IV Quarters Ground, First, Second, Third and Fourth Floor	28.04.2008	15.11.2008
10	14-27/6	Auditorium	06.09.2008	20.03.2009
11	14-27/4	Medical College Fourth Floor	26.02.2010	08.08.2010
12	14-24	Dental College Clinical (i) Cellar, Ground, First, Second and Third Floor	28.08.1998	30.11.1999
		(ii) Fourth Floor	29.11.2005	05.04.2006
13	14-25	Dental College Non-Clinical Ground, First, Second, Third Floor	29.02.1996	20.04.1997
		Fourth Floor	09.06.1997	17.11.1997
14	14-27/1	B.D.S. Hostel Ground, First, Second, Third and Fourth Floor	06.09.2008	22.11.2009

3. It is further stated that insofar as the electricity supply inside the campus is concerned, there are several service connections in existence for each building separately and all these service connections are under Low Tension. Thus, it is stated that the fifth respondent viz., the Junior Engineer, TANGEDCO informed and instructed the petitioner to take a single service connection for all the buildings within the campus under High Tension, instead of having multiple Low Tension connectins. Such communication dated 05.10.2013 issued by the fifth respondent was immediately taken into consideration by the Trust Management and consequently they applied for installation of High Tension connection through their request dated 10.02.2014. It is stated that the petitioner has enclosed all the necessary details, documents and particulars along with the said application apart from paying necessary fees. However the said request was not considered so far and on the other hand, the second respondent insisted the petitioner to produce planning approval given by the Director of Town and Country Planning as per the amended Section 47-A of the said Act. Therefore, the present Writ Petition is filed before this Court seeking for the relief as stated supra.

4. Mr. Isaac Mohanlal, learned Counsel appearing for the petitioner submitted that in this case, the local body viz., the Town Panchayat is the competent Authority for granting planning approval and such planning approval for each building was given earlier and the constructions of the buildings were also already completed. Therefore, he contended that there is no question of getting any planning approval by the petitioner



from the Director of Town and Country Planning. It is contended by the learned Counsel that even otherwise, having given service connection independently for each building under Low Tension, the second respondent cannot insist upon for production of planning approval from the Director of Town and Country Planning for the purpose of providing a single High Tension connection. He further submitted that when the Deputy Director of Town and Country Planning, Tirunelveli issued a communication dated 20.08.2013 calling upon the petitioner to comply with Section 47-A of the said Act, the very same petitioner filed Writ Petitions before this Court in W.P.(MD)Nos.14752 and 14753 of 2013 and obtained an interim order in the said proceedings on 05.09.2013. The learned Counsel for the petitioner also invited the attention of this Court to the interim order passed by this Court as stated supra which was annexed in the typed set of papers.

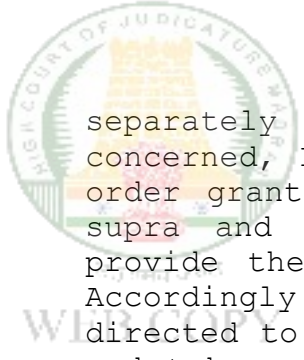
5. Per contra, the learned Counsel appearing for the respondents reiterated that the High Tension connection is not provided to the petitioner's premises only because the planning approval from the Director of Town and Country Planning was not submitted by them so far.

6. The respondents 1, 3, 4 and 5 have filed counter affidavit stating that they already sent proposal to the second respondent. The second respondent filed a separate counter affidavit, wherein it is contended that because of non-furnishing of planning approval from the Director of Town and Country Planning, the request of the petitioner has not been considered.

7. Heard the learned Counsel appearing on either side and perused the materials placed before this Court.

8. It is not in dispute that the subject matter buildings put up by the petitioner Trust are in existence for several years and based upon the documents furnished by the petitioner seeking for electricity service connection and on being satisfied with the same, the very same electricity department has provided several service connections independently for each building under Low Tension. Now all these service connections are sought to be merged as one connection by converting the same from Low Tension to High Tension. At this point of time, the second respondent raised an objection that the request of the petitioner for providing High Tension cannot be considered, since the planning approval by the Director of Town and Country Planning is not furnished by the petitioner. I failed to understand as to how the second respondent is justified in making such objection, when already the petitioner's buildings were provided with service connection, under Low Tension. Even otherwise, in view of the filing of the Writ Petitions by the very same petitioner in W.P.(MD)Nos.14752 and 14753 of 2013 and obtaining interim order of stay therein on 05.09.2013, I do not think that there will be any impediment for the second respondent to consider the request of the petitioner for grant of High Tension connection without any further delay.

9. As the petitioner has already approached this Court challenging the proceedings of the Deputy Director of Town and Country Planning, Tirunelveli dated 09.11.2012, this Court is not expressing any view on the merits and contentions raised in those Writ Petitions as it has to be



separately considered and decided. Insofar as the present relief is concerned, I find that the second respondent can act based on the interim order granted by this Court in the above said writ petitions as stated supra and consider the petitioner's application dated 10.02.2014 and provide the High Tension Power Installation without any further delay. Accordingly this Writ Petition is allowed and the respondents 2 to 4 are directed to consider the application of the petitioner dated 10.02.2014 and take appropriate steps for providing High Tension service connection within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To

1.The Tamil Nadu Generation and Distribution Corporation Limited(TANGEDCO),
represented by its Chairman/Managing Director,
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2.The Electrical Inspector (TANGEDCO),
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TANGEDCO, Kulasekaram-629 165,
Kanyakumari District.

5.The Junior Engineer(TANGEDCO),
Distribution/Urban, Kulasekaram,
Kanyakumari District-629 165.

+1cc to M/s.Issac Mohanlal, Advocate in SR.71313
+1cc to the Special Government Pleader, in SR.71348

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