



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.08.2015

Coram

THE HONOURABLE MR. JUSTICE R. SUBBIAH

W.P. (MD) .No.14505 of 2015

Kullappan

:Petitioner

vs.

The Assistant Engineer,
Tamil Nadu Electricity Board,
TANGEDCO (Distribution),
Tiruvengadam,
Sankarankovil Taluk,
Tirunelveli District.

: Respondent

Prayer: Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Mandamus, directing the respondent to provide electricity connection to the petitioner based on the indemnity bond.

For Petitioner :Mr.R.J.Karthick

For Respondent :Mr.G.Kasinathadurai
Standing Counsel for TNEB

ORDER

The Writ Petition has been filed, praying for issuance of a Writ of Mandamus, directing the respondent to provide electricity connection to the petitioner, based on the indemnity bond.

2. The case of the petitioner is that he belongs to 'Kattu Naicker Community' and he is doing scavenging work. The petitioner is the resident of Kattunaicker Street, Tiruvengadam Village, Sankarankovil Taluk, Tirunelveli District. The petitioner has constructed a house, in S.No.1400 and he is residing in the said house. Since the said land is classified as river poramboke, the respondent informed the petitioner that electricity connection cannot be given to his house. The petitioner and other similarly placed persons, who are residing in that area, submitted applications to the respondent along with deed of indemnity. The petitioner has also enclosed a ration card and the certificate issued by the Village Administrative Officer, to show his possession, but the respondent refused to receive the same. Even though he sent a representation on 11.07.2015, to provide electricity connection, it was not considered. Hence, the present writ petition.



3. When the matter is taken up for consideration, the learned counsel appearing for the petitioner invited the attention of this Court to the Judgment of this Court in **T.M.Prakash Vs. The District Collector, Tiruvannamalai District** reported in **(2013(6) CTC 849)** and submitted that persons, who are residing in poromboke land, when sought for providing electricity service connection, by producing, 'No Objection Certificate from the Officers, not below the rank of Deputy Tahsildar electricity service connection can be provided and if such certificate is not produced, an undertaking is sufficient, to provide electricity service connection.

4. In the instant case, since the authorities are not intended to give 'No Objection Certificate', the petitioner has submitted the application along with indemnity bond and even thereafter, the respondent has refused to receive the same.

5. Heard both sides.

6. Considering the submissions made on either side and the Judgment of this Court, referred to above, the petitioner is directed to send the application form and Indemnity Bond along with a copy of this order to the respondent and on receipt of the same, the respondent is directed to consider the case of the petitioner and provide electricity service connection to his house, within a period of two weeks, thereafter. No costs.

7. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

The Assistant Engineer,
Tamil Nadu Electricity Board,
TANGEDCO (Distribution),
Tiruvengadam, Sankarankovil Taluk,
Tirunelveli District.

+1cc to Mr.R.J.Karthick, Advocate Sr.No.46594

MPK

akm/18.08.2015 /3p-3c/

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14.08.2015