



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :27.08.2015

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WEB COPY

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P(MD).No.15450 of 2015

P.Sankar

... Petitioner

Vs.

1. The District Collector,
Puthukottai.

2. The Assistant Engineer,
Operation and Maintenance (South),
Tamil Nadu Generation and Distribution Corporation,
Mathur Post,
Kulathur Taluk,
Puthukottai.

3. The Tahsildar,
Kulathur,
Puthukottai District.

... Respondents

This Writ Petition has been filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the second respondent to give electricity service connection for the house of the petitioner situated in S.F.No.206/2 of Mathur Village, Kulathur Taluk, Pudukottai District.

For petitioner : Mr.G.M.Xavier

For R-1 & R-3 : Mr.M.Murugan,
Government Advocate

For R-2 : Mr.S.M.S.Johny Basha

ORDER

This Writ Petition has been filed praying for a Writ of Mandamus directing the second respondent to give electricity service connection for the house of the petitioner situated in S.F.No.206/2 of Mathur Village, Kulathur Taluk, Pudukottai District.

2. Mr.M.Murugan, learned Government Advocate takes notice for the respondents 1 and 3 and Mr.S.M.S.Johny Basha, learned counsel



takes notice for the second respondent.

3. By consent, this Writ Petition itself is taken up final disposal.

4. In the affidavit filed in support of the Writ Petition, it has been averred that S.F.No.206/2 of Mathur Village measuring about 75 Acres, is classified as Poromboke land and more than 300 houses are there in the above said S.F.No.206/2. Out of these 300 houses, for nearly about 150 houses, electricity service connection was given by the Electricity Department. When the petitioner approached the respondents for getting electricity service connection in the year 2012, they refused to receive the application. Thereafter, the third respondent convened a meeting and in that meeting a decision was arrived at that the second respondent ought to have given service connection for the houses constructed in S.F.No.206/2 on the basis of the certificate issued by the Revenue Department and the certificate issued by the President of Mathur Village and the second respondent also signed in the proceedings. On the assurance given by the second respondent, further course of action have been dropped by the petitioner and other aggrieved persons. Thereafter, the petitioner approached the second respondent on several occasions. But, there was no action taken by the third respondent to provide electricity service connection. Hence, the petitioner has come forward with the Writ Petition for the above stated relief.

5. The learned counsel for the petitioner submitted that in identical circumstances, in W.P(MD)No.3769 of 2013, this Court has passed an order, dated 15.04.2013, directing the petitioner therein to approach the Tahsildar to execute an undertaking affidavit to the effect that the petitioner will vacate the property in the event Government requires the land, for the purpose of obtaining 'no objection' certificate for getting electricity connection. Therefore, by following the earlier order, similar order may be passed in this Writ Petition also and the learned counsel has also produced a copy of the order before this Court.

6. Considering the submissions made, this Court is inclined to pass the following order:

The petitioner is directed to approach the Tahsildar, Kulathur to execute an undertaking affidavit to the effect that he will vacate the property in the event Government requires the land, for the purpose of obtaining 'no objection' certificate for electricity connection. In case the petitioner gives any such undertaking to vacate the property, necessarily, 'no objection' certificate should be given by the Tahsildar, Kulathur, within two weeks from the date of receipt of such undertaking. Similarly, in the event of producing 'no objection' certificate by the



petitioner before the second respondent, the application for electricity connection should be considered and disposed of within a period of two weeks from the date of receipt of application.

The Writ Petition is disposed of with the above direction. No Costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Puthukottai.
2. The Assistant Engineer,
Operation and Maintenance (South),
Tamil Nadu Generation and Distribution Corporation,
Mathur Post,
Kulathur Taluk,
Puthukottai.
3. The Tahsildar,
Kulathur,
Puthukottai District.

+ 1 CC TO MR.G.M.XAVIER, ADVOCATE IN SR NO. 50114
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR NO. 49698

PM
TE/SKS-RR/ 30/09/2015 3P/6C

W.P (MD) .No.15450 of 2015
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