



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 14.09.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P(MD)No.16644 of 2015

A.Sameema

..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

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying the Court to issue a Writ of Mandamus directing the 2nd 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,<br>Government Advocate |
| For R-2        | : M/s.SMS.Johny Basha                 |

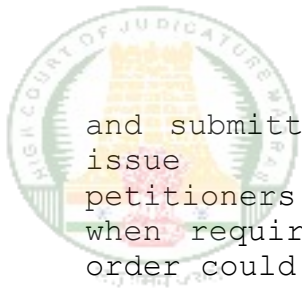
## ORDER

The Writ Petition has been filed for issuance of a Writ of Mandamus directing the 2nd 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. In the affidavit filed in support of this writ petition, it has been stated that S.F.No.206/2 of Mathur Village measuring about 75 acres is classified as poramboke land and more than 300 houses are there in the above said S.F.Number. The houses are terraced and tiled houses. The residents are regularly paying house tax. They approached the second respondent for obtaining electricity service connection during the last year. But the second respondent refused to provide electricity service connection. Hence, the present writ petition has been filed.

3.When the matter is taken up for consideration, the learned counsel appearing for the second respondent submitted that the petitioner is in occupation of poramboke land and if the petitioner obtained 'No Objection Certificate' from the third respondent/Tahsildar, the second respondent is ready to provide electricity service connection.

4.The learned counsel appearing for the petitioner relied upon a judgment of this Court in W.P.(md).No.13710 of 2013, dated 20.08.2013



and submitted that in that case, this Court directed the Tahsildhar to issue 'No Objection Certificate' in the event of the petitioners therein give an undertaking to vacate the property, as and when required by the Government. Hence following the same, a similar order could be passed by this Court.

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5. Heard the learned counsel appearing for the petitioner, the learned Standing Counsel appearing for the Tamil Nadu Electricity Board/R-2 and the learned Government Advocate appearing for the respondents 1 and 3 and also perused the materials available on record.

6. Considering the facts and circumstances of the case and also considering the submissions made on either side, the petitioner is directed to approach the Tahsildhar, Kulathur, Pudukkottai District and execute an undertaking affidavit that she would vacate the property in the event Government requires the lands, for the purpose of obtaining "No Objection Certificate" for getting electricity connection within a period of two weeks from the date of receipt of a copy of this order. On receipt of such undertaking, the third respondent is directed to issue No Objection Certificate within a period of two weeks thereafter to enable the petitioner to get electricity service connection. The second respondent is directed to consider the application of the petitioner for providing electricity connection in the event of producing No Objection Certificate received from the Tahsildhar, Kulathur.

5. Accordingly, this writ petition is disposed of. No costs.

Sd/-

The Assistant Registrar(CO)

/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.  
+1cc to M/s.G.M.Xavier, Advocate SR.No.54438

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