

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.NO.14838 OF 2016

WMP NO.12974 OF 2016

R.Ponnusamy

.. Petitioner

Versus

1.The Executive Engineer (O&M)
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Tamil Nadu Electricity Board
Paramathivelur, Namakkal District.

2.The Assistant Executive Engineer (O&M)
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Tamil Nadu Electricity Board
Paramathi, Namakkal District.

3.The Assistant Engineer (O&M)
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Tamil Nadu Electricity Board
Paramathi, Namakkal District.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, to call for the entire records relating to the impugned order passed by the third respondent in his proceedings No.Ka.No.AE/O&M/Parama/Kattu/Complaint Petition/A.No. 573/1/16, dated 23.02.2016 and quash the same and consequently directing the respondents to give electricity service connection to the petitioner's open well situated in S.No.219/12, Pillur Village, Paramathivelur Taluk, Namakkal District.

For Petitioner	:	Mr.C.Prakasam
For Respondents	:	Mr.S.K.Raameshuwar
		Standing Counsel for TNEB

O R D E R

Heard Mr.C.Prakasam, learned counsel for the petitioner and Mr.S.K.Raameshuwar, learned Standing Counsel, accepting notice on behalf of the respondents.

2.With the consent of the learned counsel appearing on either side, this writ petition is taken up for final disposal, at the admission stage itself.

3.The petitioner's father applied for a free electricity service connection during 1988. After his demise, the said application stood transferred in the name of the petitioner and ultimately, in the year 2016, the respondents informed the petitioner that the electricity service connection can be granted, as the application has achieved the due seniority. When the petitioner was eagerly waiting for the supply, to be effected, he was shocked to receive the impugned communication dated 23.02.2016 wherein it is stated that three persons namely, Palanivelu, Saravanan and Muthaiyee have made objection stating that the petitioner has only 1/4th share in the property in question, and if the line is drawn, the same will have to pass through their patta land. Therefore, the third respondent by the impugned communication dated 23.02.2016 directed the petitioner to produce "No Objection Certificate" from the objectors or to choose an alternative route to draw the electrical line.

4.As rightly contended by the learned Standing Counsel for the respondents, the three objectors have not been impleaded as parties, in this writ petition.

5.Be that as it may, the third respondent cannot straight away insist upon the petitioner to get a "No Objection Certificate" or to choose an alternative route, merely because of the objection raised by the three persons, namely, Palanivelu, Saravanan and Muthaiyee . The third respondent has to see whether the objection is genuine and mechanically, the petitioner cannot be directed to produce "No Objection Certificate" or to choose an alternative route to draw the electrical line. Therefore, to that extent, the impugned communication is not tenable.

6.Accordingly, the impugned order is set aside and the matter is remanded to the third respondent for fresh consideration, who shall conduct a spot inspection in the presence of the petitioner as well as the three objectors,

namely, Palanivelu, Saravanan and Muthaiyee and examine as to the tenability of the objection raised and whether they are genuinely affected etc., and thereafter, proceed to pass appropriate orders, on merits and in accordance with law. The above direction shall be complied with by the third respondent within a period of three weeks from the date of receipt of a copy of this order. It is needless to state that the petitioner's seniority for securing the free agricultural electricity service connection shall be maintained as such till orders are passed by the third respondent.

7.The writ petition is allowed with the above observation and direction. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

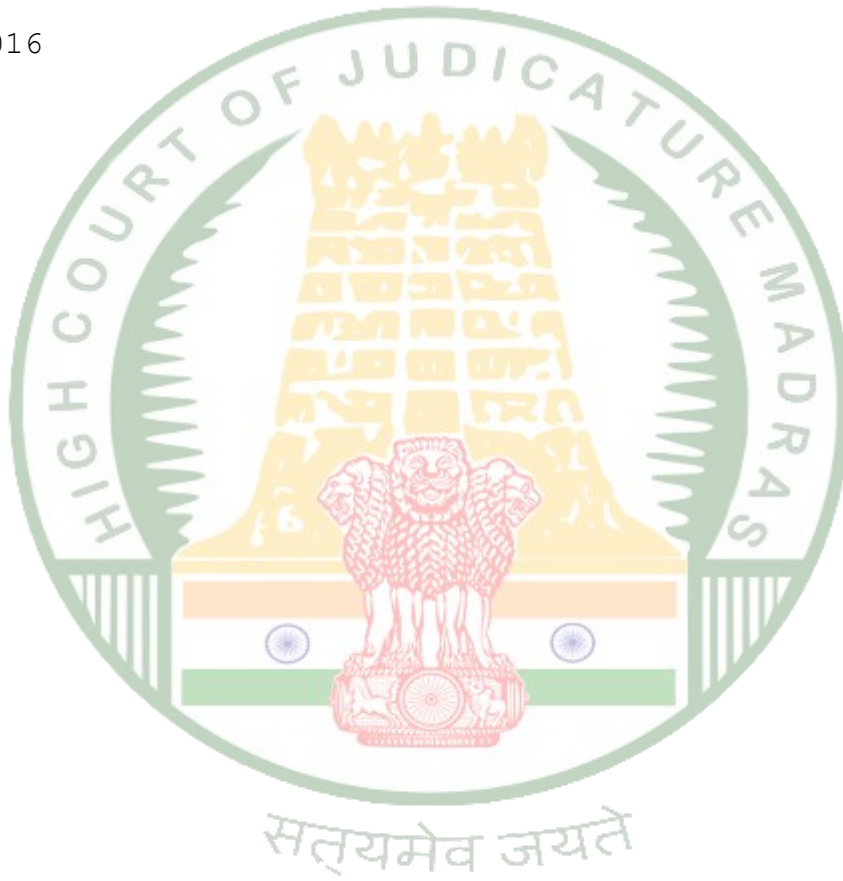
tk
To

- 1.The Executive Engineer (O&M)
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Tamil Nadu Electricity Board
Paramathivelur, Namakkal District.
- 2.The Assistant Executive Engineer (O&M)
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Tamil Nadu Electricity Board
Paramathi, Namakkal District.
- 3.The Assistant Engineer (O&M)
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Tamil Nadu Electricity Board
Paramathi, Namakkal District.

+1 cc to Mr.S.K.Raameshuwar Advocate sr.25958
+1 cc to Mr.C.Prakasam Advocate sr.22481

W.P.NO.14838 OF 2016

kk (co)
aa30/05/2016



WEB COPY