

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2016

CORAM

THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM

Writ Petition No.28322 of 2015

V.M.Subbukannu

... Petitioner

Vs.

1. The District Collector
Collectorate Nagapattinam.
2. The Superintending Engineer
Tamilnadu Electricity Board Nagapattinam
Nagapattinam District.
3. The Asst. Divisional Engineer
Tamilnadu Electricity Board Vedharanyam
Nagapattinam District.
4. The Junior Engineer
(Operation & Maintenance)
Tamilnadu Electricity Board Voimedu
Vedharanyam Taluk Nagapattinam District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus to direct the 1st respondent to take necessary steps to cut and remove the neem tree branch disturbing in the public pathway as well as a hurdle to give the service connection to the petitioner and direct the respondents 2 to 4 to give the single phase service connection immediately or within a stipulation of period by passing an order by directing the respondents to give service connection of electricity to the petitioner house within a time.

For Petitioner : Mr.K.M.Subrahmaniam

For Respondents : Mr.R.M.Muthukumar,
Government Advocate For R1

Mr.P.Gunaraj for R2 to 4

O R D E R

Petitioner has filed this writ petition seeking the following relief:

To direct the 1st respondent to take necessary steps to cut and remove the neem tree branch disturbing in the public pathway as well as a hurdle to give the service connection to the petitioner and direct the respondents 2 to 4 to give the single phase service connection immediately or within a stipulation of period by passing an order by directing the respondents to give service connection of electricity to the petitioner house within a time.

2. It is admitted that the land on which the petitioner has constructed the house belongs to a Temple called as Arulmigu Thiagaraja Swamy Thirukoil. The petitioner under the guise of obtaining electricity service connection has focused as if the only hurdle is a neem tree.

3. Only after the counter affidavit has been filed by the Junior Engineer 4th respondent it is come to light that the petitioner is not the owner of the land. It is not known as to how the petitioner came into possession of the property. Therefore, the 4th respondent has stated that the petitioner has to produce no objection certificate either from the Tahsildar or from the Temple authorities along with approved plan for the construction of the house.

4. Faced to this situation learned counsel for the petitioner submitted that he will produce the no objection certificate and necessary documents and then approach the 4th respondent.

5. Accordingly, at this stage the prayer sought for cannot be granted. Writ petition is dismissed. However, it is open to the petitioner to approach the 4th respondent along with the no objection certificate and approved building plan and if the same is done, the 4th respondent shall consider it in accordance with law. No costs.

Sd/-
Assistant Registrar (CS IV)

//True Copy//

Sub Assistant Registrar

kpr

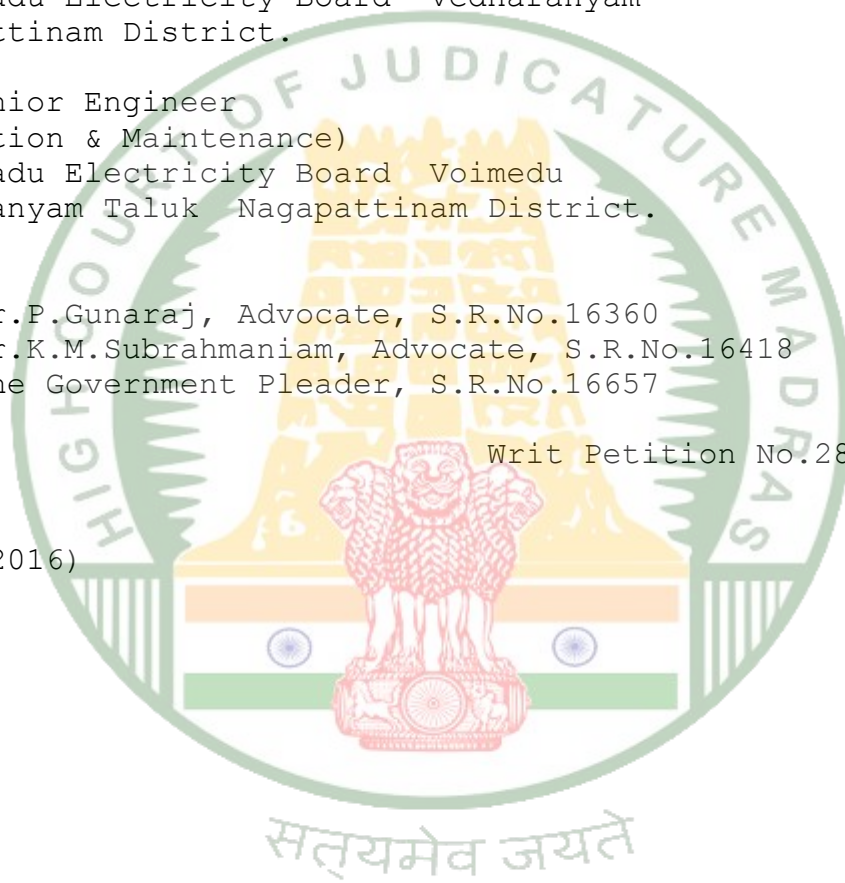
To

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Nagapattinam District.
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Nagapattinam District.
4. The Junior Engineer
(Operation & Maintenance)
Tamilnadu Electricity Board Voimedu
Vedharanyam Taluk Nagapattinam District.

+1cc to Mr.P.Gunaraj, Advocate, S.R.No.16360
+1cc to Mr.K.M.Subrahmaniam, Advocate, S.R.No.16418
+1cc to the Government Pleader, S.R.No.16657

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MSM(CO)
CA(29/03/2016)



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