

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.10.2016

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Writ Petition No.36534 of 2016

M.Vimalathithan

[Petitioner]

Vs

1 The Chairman cum Managing Director
TANGEDCO (formerly TNEB)
NPKRR Maligai 144 Anna Salai Chennai-2

2 The Assistant Engineer
Operation and Maintenance
TANGEDCO/Rural
Formerly Tamilnadu Electricity Board
Ariyalur Ariyalur District

[Respondents]

Prayer: Petition has been filed under Article 226 of the Constitution of India seeking Writ of mandamus directing the 2nd respondent to consider petitioners application dated 27.8.2016 and provide electricity connections to his newly constructed house situated at 1/279 Trichy Main Road Varanavasi Village & Post Ariyalur Taluk and District 621 704 without insisting him to produce the Ownership Certificate from the VAO

For Petitioner : Mr.S.Kumaradevan

For Respondents: Mr.P.Gunaraj, SC

O R D E R

Mr.P.Gunaraj, learned Standing Counsel takes notice on behalf of the respondents.

2. The petitioner, who is the owner of the land and building bearing No.1/279, Trichy Main Road, Varanavasi Village and Post, Ariyalur Taluk and District had applied for electricity connection and the 2nd respondent, by order dated 27.08.2016, called upon the petitioner to enclose house tax receipt for the year 2016-17 and a certificate from the Village Administrative Officer, stating that the land comprised in

Survey No.243/1F belongs to the petitioner. Aggrieved over the same, the petitioner is before this Court.

3. Heard Mr.S.Kumaradevan, learned counsel for the petitioner and Mr.P.Gunaraj, learned counsel for the respondents.

4. A perusal of the records would go to show that the petitioner's grand mother had purchased the property as early as on 25.07.1960 and the patta also got transferred. The family card issued in 2005-2009 would disclose the name of the petitioner. Further, as per the impugned order, the house tax receipt for 2016-2017 was filed as Document No.12 in the typed set of papers. When the documents show that the petitioner is in possession of the property and tax receipt also stands in the name of the petitioner, the 2nd respondent cannot insist upon a certificate from the Village Administrative Officer and as such, the requirement is not contemplated under law.

5. Therefore, the impugned order calling upon the petitioner to produce the Village Administrative Officer's Certificate stating that the petitioner is the owner of the property comprised in Survey No.243/1F is alone quashed. The 2nd respondent is directed to give electricity connection within one week from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly. No costs.

Call the matter for compliance on 01.11.2016.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

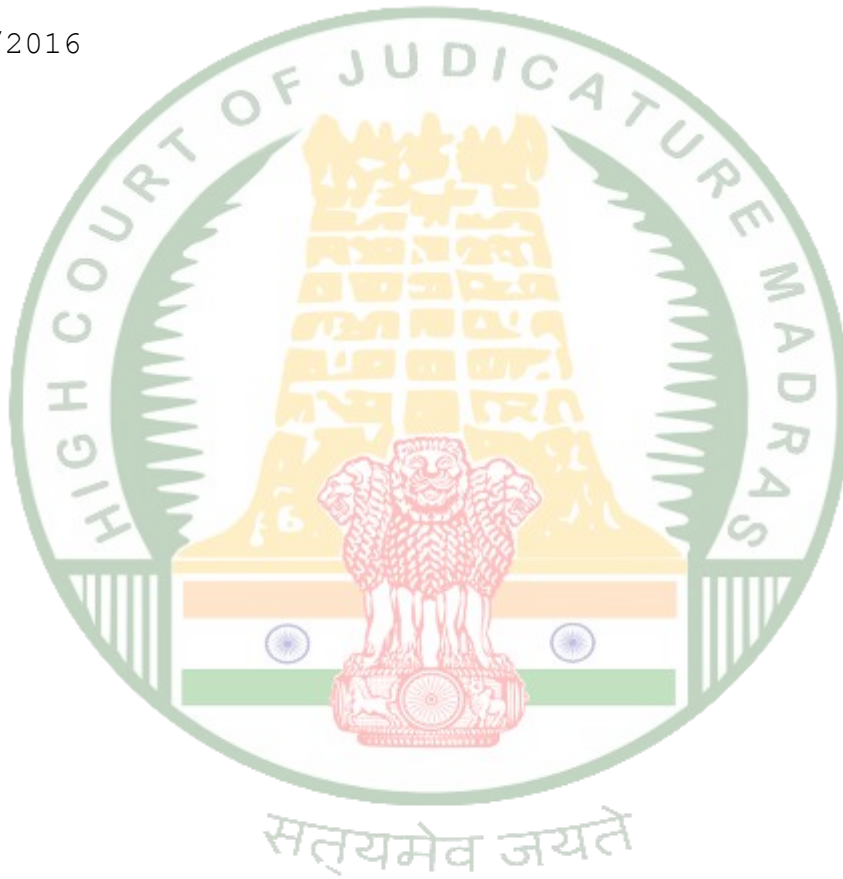
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Copy to

The Section Officer,
Writ Section for Posting the
case on 01/11/2016 for Compliance.

W. P. No.36534 of 2016

sm[co]
srg 21/10/2016



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