

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.12.2016

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA
W.P.No.40019 of 2016

U.Yasodha

... Petitioner

.. Vs ..

1. The Chairman,
Tamilnadu Electricity Board,
Anna Salai,
Mount Road, Chennai - 600 002.

2. The Assistant Engineer,
Tamilnadu Electricity Board,
Masinakudi, Nilgiris District.

... Respondents

Writ Petition under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus, directing the second respondent herein to give electricity service connection to the petitioner's property namely Door No.6/203C, Darga Road, Masinakudi Masinakudi Village, Udhagamandalam Taluk, Nilgiris District.

For Petitioner : Mr.J.Franklin

For Respondents : Mr.S.K.Raameshuwar

O R D E R

The petitioner has come to this Court praying for the issuance of a Writ of Mandamus, directing the second respondent herein viz., Assistant Engineer, Tamil Nadu Electricity Board, Masinakudi, Nilgiris District, to give electricity service connection to the petitioner's property namely Door No.6/203C, Darga Road, Masinakudi, Masinakudi Village, Udhagamandalam Taluk, Nilgiris District, on the ground that she is the owner of the land having an extent of 0.25 cents from and out of the total extent of Acres 3.70 cents with building in Survey No.173/2A, New S.No.173/2A1, in Masinakudi Village, Udhagamandalam Taluk, Nilgiris District.

2. The claim of the petitioner is that she has obtained the above said land from her father under a Gift Deed, dated 04.05.1994 and since she has been in peaceful possession and enjoyment of the same, she has put up a small building and the entire revenue records are also mutated in her name and the patta also stands in her name. Therefore, the petitioner has paid the necessary statutory dues to the authorities concerned from the date of her ownership till date without any default. The further claim of the petitioner is that since she is the owner of the property, she had applied to the second respondent on 21.06.2016 for installation of electricity service connection to the above said property and in this regard, she has also obtained a certificate from the President of Masinakudi Panchayat, stating that she is the owner of the above said property and therefore, she is entitled to get service connection. The petitioner further claims that after the receipt of her application along with the certificates obtained from the President, the second respondent, in his proceedings dated 22.09.2016, sought for a copy of the building plan as a condition precedent for installing the electricity service connection.

3. The learned counsel appearing for the petitioner contended that since the President of Masinakudi Panchayat has given No Objection Certificate, it is not open to the second respondent to ask for planning permission or building plan. This Court is not inclined to accept the said contention made by the learned counsel for the petitioner for the reason that the learned counsel appearing for the respondents electricity board has submitted before this Court that a mere No Objection Certificate issued by the President of Masinakudi panchayat cannot be taken as a reliable document to install the electricity service connection to the petitioner's property namely Door No.6/203C, Darga Road, Masinakudi, Masinakudi Village, Udhagamandalam Taluk, Nilgiris District. When the petitioner is able to obtain No Objection Certificate from the President of Masinakudi panchayat, nothing prevent her to produce the building plan and planning permission granted.

4. Therefore, this Court finds that no direction can be given to the second respondent to install electricity service connection to the petitioner's property namely Door No.6/203C, Darga Road, Masinakudi, Masinakudi Village, Udhagamandalam Taluk, Nilgiris District. This Court grants three weeks time to the petitioner to furnish a copy of the building plan or planning permission to the second respondent. If any such building plan or planning permission granted by the President of Masinakudi Village is produced by the petitioner, then it is

open to the second respondent to entertain the application for installation of electricity service connection to the petitioner's property namely Door No.6/203C, Darga Road, Masinakudi, Masinakudi Village, Udthagamandalam Taluk, Nilgiris District.

5. With the above observation, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Jrl

To

1. The Chairman,
Tamilnadu Electricity Board,
Anna Salai,
Mount Road, Chennai - 600 002.
2. The Assistant Engineer,
Tamilnadu Electricity Board,
Masinakudi, Nilgiris District.

+1cc to Mr.Raameshuwar, Advocate, S.R.No.73604

vgi (CO)
rs(10/01/2017)

W.P.No.40019 of 2016

सत्यमेव जयते

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