

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.03.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.8993 of 2016
and
W.M.P.No.7989 of 2016

S.Valarmathi
W/o.K.Subramanian

Petitioner

vs.

1.The Assistant Engineer,
Operation & Maintenance,
Tamil Nadu Generation and
Distribution Contribution Ltd.,
Erode Electricity Distribution Circle,
Perundurai.

2.The Executive Officer,
Perundurai Town Panchayat,
Perundurai,
Erode District.

Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to Letter No.A.E.E./O&M/S/Peru/Ko.Ka./V.No.115/2016 dated 29.02.2016, to quash the same and to effect electricity connection to the petitioner for her premises in Re-survey No.930/16-B (76/1) Chenniavalasu, Kongu College Road, Perundurai, without insisting for 'No Objection Certificate' from the second respondent herein.

For Petitioner : Mr.Kaithamalai Kumaran
For Respondents : Mr.S.K.Raameshwar [R1]
Mr.R.Rajeswaran,
Special Government Pleader [R2]

O R D E R

Heard Mr.Kaithamalai Kumaran, the learned counsel for the petitioner, Mr.S.K.Raameshwar, the learned counsel for the first respondent and Mr.R.Rajeswaran, the learned counsel for the second respondent.

2. The petitioner has filed this writ petition to quash the proceedings of the first respondent dated 29.02.2016 whereby the petitioner has been directed to obtain a 'No Objection Certificate' from the second respondent, namely, the Executive Officer, Perundurai Town Panchayat, Perundurai, Erode District, to enable the first respondent to grant electricity supply to the petitioner. It is an admitted case that the petitioner has complied with all the requisite formalities for obtaining electricity service connection. However, when the electricity service connection was about to be granted, objection has been received from the second respondent vide communication dated 26.02.2016. The petitioner was not aware of the nature of objection raised by the second respondent.

3. The learned counsel for the petitioner submitted that as early as on 02.09.2014, the second respondent has given a 'No Objection Certificate' for pumping 2000 litres of ground water from the petitioner's private patta land and the present attempt of the second respondent is wholly unjustified.

4. In any event, the petitioner was not aware of what is the nature of objection raised by the second respondent. Therefore, the petitioner should be put on notice regarding the objection and thereafter, the first respondent should consider the matter as to whether the objection raised by the second respondent is valid and germane to the issue.

In the light of the above conclusion, without setting aside the impugned notice, this Court directs the first respondent to issue notice to the petitioner and the second respondent, call them for hearing in which the first respondent shall examine the nature of objection raised by the second respondent, invite the petitioner's comments and pass orders on merits and in accordance with law. The above direction shall be complied with within a period of three weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

gm

To

1.The Assistant Engineer,
Operation & Maintenance,
Tamil Nadu Generation and
Distribution Contribution Ltd.,
Erode Electricity Distribution Circle,
Perundurai.

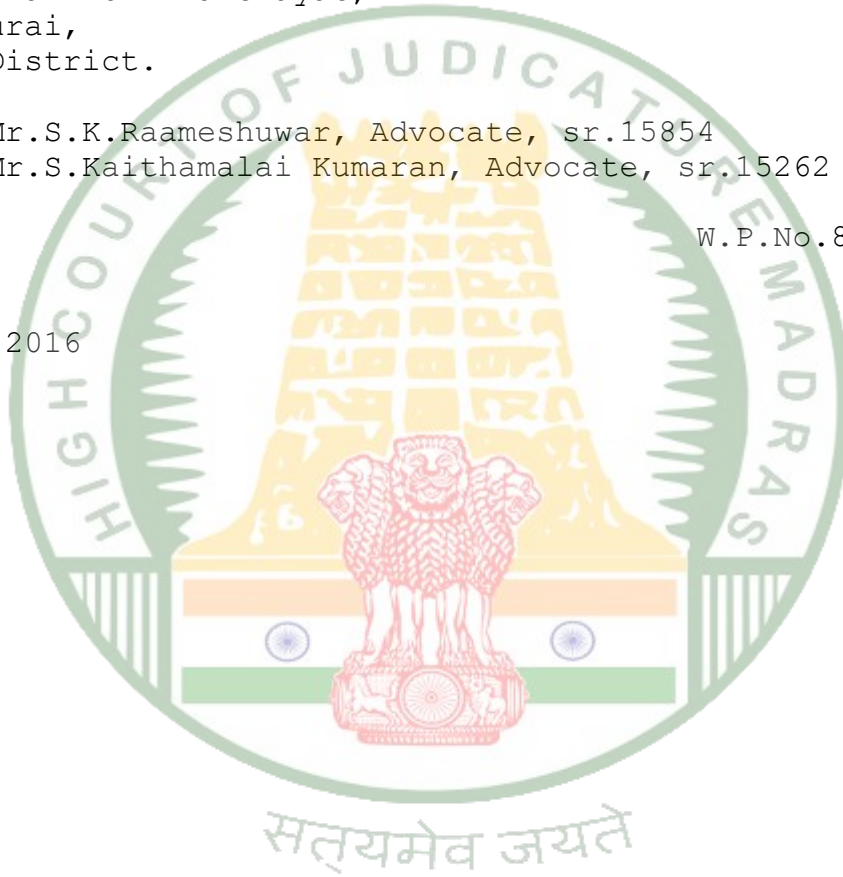
2.The Executive Officer,
Perundurai Town Panchayat,
Perundurai,
Erode District.

+1 cc to Mr.S.K.Raameshuwar, Advocate, sr.15854

+1 cc to Mr.S.Kaithamalai Kumaran, Advocate, sr.15262

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kra 14.03.2016



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