



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.09.2016

C O R A M

WEB COPY

THE HONOURABLE Dr.JUSTICE S.VIMALA

Writ Petition (MD) No.16943 of 2016

PR.Kalimuthu

.. Petitioner

Vs.

1.The District Collector,
Sivagangai District.

2.The Tahsildar, Karaikudi Taluk,
Sivagangai District.

3.The Assistant Engineer (Distribution),
TNEB, Kanadukathan,
Sivagangai District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the 3rd respondent to give electricity service connection to the petitioner's petty shop situated at K.Nerpugapatty Village, Chettinadu, Karaikudi Taluk, Sivagangai District.

For petitioner

... Mr.B.Karunanithi

For R1 & R2

... Mr.S.Kumar

Additional Government Pleader

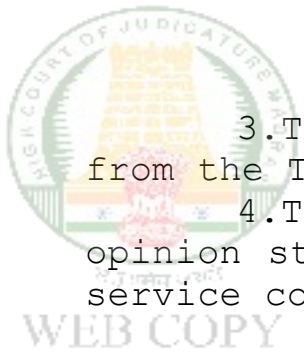
For R3

... Mr.S.Srimathy

O R D E R

This Writ of Mandamus has been filed seeking direction to the third respondent to give electricity service connection to the petitioner's petty shop located in K.Nerpugapatty Village, Chettinadu, Karaikudi Taluk, Sivagangai District.

2.The petitioner has put up the petty shop in a land, which belongs to Government. The land is classified as Poramboke in the Revenue Records. The petitioner has remitted necessary charges for getting the electricity service connection to the third respondent i.e. metre caution deposit of Rs.2,700/-; CC Deposit Rs.600/- and development charges of Rs.4,000/- in order to get the electricity connection. The petitioner has also paid Rs.3,700/-.



3.The third respondent wanted No Objection Certificate from the Tahsildar and tax receipt etc.

4.The Government Advocate, Karaikudi has given his legal opinion stating that the petitioner can be granted electricity service connection.

5.Under Rule 27(1) of the Tamil Nadu Electricity Distribution Code, 2004, even the occupier of the Government Poramboke land is entitled to electricity service connection subject to fulfilment of certain conditions.

6.The third respondent is prepared to consider the request of the petitioner for granting service connection provided No Objection Certificate is produced from the Tahsildar.

7.To obtain No Objection Certificate from the Tahsildar, what is required is an affidavit from the petitioner to the effect that he will vacate the property in the event of Government requiring the land.

8.The learned counsel for the petitioner would submit that he is prepared to execute such an affidavit before the Tahsildar and he will undertake to produce the No Objection Certificate from the Tahsildar to the third respondent.

9.The learned counsel for the third respondent would submit that the electricity authorities are prepared to consider the request of the petitioner, but there are objections from the villagers.

10.When the property belongs to the Government, the villagers cannot give such objection. It is pertinent to point out that not even a written objection filed by the villagers. Under such circumstances, the third respondent is directed to give electricity service connection, subject to the requirement of Rule 27(1) of the Tamil Nadu Electricity Distribution Code, 2004, being fulfilled by the petitioner.

11.The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (AS)

/True Copy/

<https://hcservices.ecourts.gov.in/hcservices/>

Sub Assistant Registrar



uj2

To

1.The District Collector, Sivagangai District.

2.The Tahsildar, Karaikudi Taluk,
Sivagangai District.

3.The Assistant Engineer (Distribution),
TNEB, Kanadukathan,
Sivagangai District.

+1CC to Spl.Government Pleader Sr.No.51504+

+1CC to Mr.B.Karunanithi, Advocate Sr.No.51018

GJM/PV/28/9/16-3p-6c

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