



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.11.2017

CORAM:

THE HON'BLE Mr.JUSTICE R.MAHADEVAN

W.P(MD)No.21315 of 2017

1.S.Yogaraj

2.E.Kokila

... Petitioners

Vs.

1. The District Collector,
Pudukkottai District.2. The Thashildar,
Kulathur Taluk,
Pudukkottai Distirct.3. The Assistant Engineer (Operation and Maintenance),
TANGEDCO,
Mathur Post,
Kulathur Taluk,
Pudukkottai.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the third respondent to give electricity service connection to the petitioners' house comprised in S.F.No.206/2 of Mathur Village, Kulathur Taluk, Pudukkottai District at once.

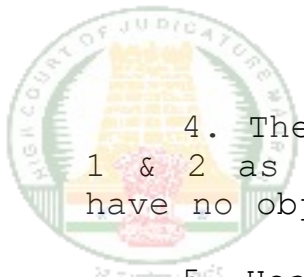
For Petitioners : Mr.P.Ganapathi Subramanaian
For Respondents : Mr.M.Alagathevan
Special Government Pleader
for R.1 and R.2.
Mr.S.M.S.Johny Basha for R.3.

ORDER

By consent, this writ petition is taken up for final disposal, at the stage of admission itself.

2. This writ petition is filed by the petitioners seeking a Writ of Mandamus to direct the third respondent to give electricity service connection to their house comprised in S.F.No.206/2 of Mathur Village, Kullathur Taluk, Pudukkottai District.

3. The learned Counsel for the petitioners would submit that the issue involved in this writ petition is squarely covered by the earlier order of this Court in **Muthukannu and 4 others v. The Assistant Engineer (Operation and Maintenance), TANGEDCO** [W.P(MD) No.5417 of 2014, decided on 09.04.2014] and hence, prayed for passing similar order in this writ petition also.



4. The learned Special Government Pleader for the respondents 1 & 2 as well as the learned Counsel for the third respondent, have no objection for passing appropriate similar orders.

5. Heard both sides.

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6. In **Muthukannu and 4 others v. The Assistant Engineer (Operation and Maintenance), TANGEDCO** [W.P(MD)No.5417 of 2014, decided on 09.04.2014], this Court, has passed the following order:

"4. The petitioners are said to be in possession and enjoyment of the houses situated in S.F.No.731 of Seplanthoppu, Periyasuriyur Village, Thiruvarambur Taluk, Trichy District, which is classified as Poramboke. According to the petitioners, some of the residents of the nearby area obtained electricity connection on the basis of the 'no objection' certificate issued by the local Tahsildar. Even though the petitioners submitted applications for giving electricity connection, the same was rejected on the ground that they are in possession of poramboke lands. This made the petitioners to file this writ petition.

5. The learned Government Advocate on instruction submitted that the Tahsildar is prepared to give 'no objection' certificate for the purpose of taking electricity connection to the residence of the petitioners, in case they submit individual affidavits, undertaking to vacate the property whenever notice is issued to that effect by the Government.

6. The learned Standing Counsel for the Tamil Nadu Generation and Distribution Corporation Limited submitted that the 1st respondent is prepared to provide electricity connection to the petitioners, in case 'no objection' certificate is obtained from the Tahsildar.

7. The learned counsel for the petitioners submitted that the petitioners are prepared to execute an affidavit before the Tahsildar to the effect that they will vacate the property in the event Government requires the lands.

8. The petitioners are directed to approach the Tahsildar, Thiruvarambur to execute an undertaking affidavit to the effect that they will vacate the property in the event Government requires the lands, for the purpose of obtaining 'no objection' certificates for electricity connection. In case the petitioners give any such undertaking to vacate the property, necessarily 'no objection' certificate should be given by the Tahsildar, Thiruvarambur within two weeks from the date of receipt of such undertaking.



Similarly, in the event of producing 'no objection' certificates by the petitioners before the first respondent, the application for electricity connection should be considered and disposed of within a period of two weeks from the date of receipt of application.

9. The Writ Petition is disposed of with the above direction. No costs."

7. Following the same, this writ petition is disposed of, directing the petitioners to approach the Tahsildar, Kulathur, second respondent herein to execute an undertaking affidavit to the effect that they will vacate the property in the event Government requires the lands, for the purpose of obtaining 'no objection' certificates for electricity connection. In case the petitioners give any such undertaking to vacate the property, necessarily 'no objection' certificate should be given by the Tahsildar, Thiruvarambur within two weeks from the date of receipt of such undertaking. Similarly, in the event of producing 'no objection' certificates by the petitioners before the third respondent, the application for electricity connection should be considered and disposed of within a period of two weeks from the date of receipt of application. No costs.

Sd/-

Assistant Registrar(crl side)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Pudukkottai District.
2. The Tahsildar,
Kulathur Taluk,
Pudukkottai District.
3. The Assistant Engineer (Operation and Maintenance),
TANGEDCO,
Mathur Post,
Kulathur Taluk,
Pudukkottai.

+1cc to Mr.P.Ganapathi Subramanaian, Advocate Sr.No.88805

GK

VB/KP/SAR4/04/12/2017/3P/5C