

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.8031 of 2018 and
WMP.No.10004 of 2018

E.Dineshthilak

..Petitioner

-vs-

1.The Chairman,
TANGEDCO,
Tamilnadu Generation and Distribution
Corporation Limited,
Anna Salai, Chennai.

2.The Assistant Electrical Engineer,
TANGEDCO,
Tamilnadu Generation and Distribution
Corporation Limited,
Arni, Tiruvannamalai District-632 301.

3.Tahsildar,
Arni Taluk Office,
Arni, Tiruvannamalai District.

...Respondents

Petition under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent relating to the Letter dated 26.3.2018 passed in Ka.No.Assistant Electrical Engineer/E&Pa/Town/East/Arni/Ko.Thani/No.266/17-18 and quash the same and consequently, direct the 2nd respondent to give electricity service connection to the house in No.90/16C, Maniyammy Street, Kottai South Street, Arni, Tiruvannamalai District, Pin-632 301 on receipt of the application for electricity service connection from the petitioner.

For Petitioner:: Mr.V.Pavel

For Respondents:: Mr.M.Varunkumar
Standing Counsel for R1 & R2
Mrs.K.Bhuvaneswari,
Additional Govt. Pleader
for R3

ORDER

Challenging the impugned order dated 26.3.2018 passed by the 2nd respondent herein, namely, the Assistant Electrical Engineer, Tamil Nadu Generation and Distribution Corporation Limited, Chennai, thereby rejecting the request of the petitioner for giving Electricity Service Connection to his house put up in a Poramboke Land, without obtaining 'No Objection Certificate' from the Tahsildar concerned.

2. Learned Counsel for the petitioner submitted that the Local Ward Councillor of his Locality allotted a site of Agali Poramboke measuring about 480 sq.ft. to him along with 150 persons in Ward No.33 for residential purpose and he has also promised to get them pattas from the District Collector and other amenities from the authorities concerned. Most of the allotted persons have constructed permanent structures in the sites allotted to them and also put up a hut and now they are leading the life with their family members and children. Since Free Electricity Service Connection is provided to the poor people, the petitioner requested the 2nd respondent to provide an Electricity Service Connection to his place for domestic purpose on several occasions. Finally, rejecting his claim, the impugned order has been passed.

3. The learned Counsel for the petitioner further pleaded that when the petitioner has asked for only temporary Electricity Service Connection, the 2nd respondent cannot insist upon him to produce 'No Objection Certificate' from the Tahsildar concerned.

4. Heard Mr.M.Varunkumar, learned Standing Counsel for the respondents 1 and 2 and Mrs.K.Bhuvaneswari, learned Additional Government Pleader for the 3rd respondent.

5. Though the learned Counsel for the petitioner, in support of his contention, relied on a decision of this Court in T.M.Prakash and 10 others vs. The District Collector, Tiruvannamalai District, Tiruvannamalai and another reported in 2013 (6) CTC 849 stating that in that case, the respondents are directed to consider the case of the petitioners and provide Electricity Service Connection based on their applications along with necessary Undertaking and Indemnity Bond to be submitted by them, in the same judgment in paragraph 65, this Court has held that when Tamil Nadu Electricity Distribution Code, 2004 makes it mandatory on the licensee, to provide Electricity supply to those, who are in occupation of poramboke lands, on production of 'No Objection Certificate' from the officer, not below the rank of Deputy Tahsildar or where no such 'No Objection

Certificate'' could not be produced by the applicants for service connection and when the applicants can give an undertaking or declaration stated supra, the licensee cannot deny Electricity Service Connection to the petitioners, who have substantiated their continuous occupation and also admitted by the 2nd respondent. But in the present case, the petitioner is admittedly put up a hut, but they are unable to produce a 'No Objection Certificate'' from the Tahsildar concerned. That apart, no document has been produced to show that he is in continuous possession in the house for which Electricity Service Connection is sought for.

6. In view of all the above, the Writ Petition fails and the same is accordingly dismissed. No costs. Consequently, connected Miscellaneous Petition is also closed.

-s/d-
Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

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To

1.The Chairman,
TANGEDCO,
Tamilnadu Generation and Distribution
Corporation Limited,
Anna Salai, Chennai.

2.The Assistant Electrical Engineer,
TANGEDCO,
Tamilnadu Generation and Distribution
Corporation Limited,
Arni, Tiruvannamalai District-632 301.

3.Tahsildar,
Arni Taluk Office,
Arni, Tiruvannamalai District.

+1 CC to Mr.M. Varunkumar, Advocate sr 25786.
+1 CC to Govt. Pleader sr 25966.

W.P.No.8031 of 2018

SP(20/04/2018)