

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2018
CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

WP.No.6499 of 2018
and
WMP.No.8042 of 2018

S.Jamuna

... Petitioner

Vs.

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

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

3.The Tahsildar,
Arni Taluk Office,
Arni, Tiruvannamalai District,
Pin-632 301.

... Respondents

Writ petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent relating to the letter dated 18.07.2017 passed in Ka.No./Assistant Electrical Engineer/E&Pa/Town East/Arni/ Ko.Petition/No.80 and quash the same and consequently direct the 2nd respondent to give electricity service connection to the house in Old No.30K, New No.35, Ananthapuram Street, Saidapettai 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
Mr.R.Govindasamy,
Special Government Pleader, for R3

O R D E R

Mr.M.Varunkumar, learned Standing Counsel takes notice for respondents 1 and 2 and Mr.R.Govindasamy, learned Special Government Pleader takes notice for the third respondent. By consent of parties, the writ petition is taken up for final disposal.

2.The petitioner is aggrieved against the order of the second respondent dated 18.07.2017, informing that the service connection to the petitioner's premises can be granted only when she obtains "No Objection Certificate" from the concerned Revenue Tahsildar, since the subject matter property is a Government Poramboke Land.

3. The learned counsel for the petitioner submitted that the petitioner is having school going children. Therefore, she contended that the basic amenity of electricity supply should be provided to the petitioner, notwithstanding the fact that the petitioner is said to be residing in the Government Poramboke land. She further submitted that the petitioner is ready and willing to furnish an indemnity bond to the electricity department, specifically, stating that the petitioner will not claim any right or title on the subject matter property, based on the electricity supply provided to the petitioner.

4. On the other hand the learned counsel appearing for the respondents 1 and 2 contended that the property, in which, the petitioner resides, is a Government Poramboke land and therefore, without obtaining consent from the Revenue Department, the petitioner cannot seek for provision of electricity supply.

5. Heard both sides.

6. The petitioner seeks for electricity supply to her residence, which is, situated in a Poramboke Land, belonging to the Government. However, it is stated by the petitioner that she is residing in the said property for a long number of years and so far the Revenue Department has not taken any steps to evict her. Needless to say that when the petitioner is residing in the said property and no proceedings have taken till date to evict the petitioner from the subject matter property, she must be provided with the basic amenities such as electricity supply, as sought for by the petitioner, more particularly, when the petitioner is having school going children.

7. Merely, because the electricity department is providing service connection to the petitioner's premises, certainly, it does not mean that the right or title of the petitioner over the

said property is recognised by such department.

8. Therefore, this Court is of the view that without prejudice to the action, if any, to be taken by the Revenue Department, against the petitioner, the respondents 1 and 2 can provide service connection to the petitioner's premises after taking necessary indemnity bond from the petitioner, in order to safeguard the interest of the respondents 1 and 2.

9. Accordingly, this writ petition is allowed and the impugned order is set aside. Consequently, the respondents 1 and 2 are directed to provide electricity connection to the petitioner after taking necessary indemnity bond from him. Such exercise shall be done by the respondents 1 and 2 within a period of three weeks from the date of receipt of a copy of this order. The petitioner shall co-operate with the respondents 1 and 2, by furnishing all necessary documents and fees and also by executing the indemnity bond as stated supra. It is also made clear that the petitioner shall not seek any equity, by taking advantage of this order, after getting electricity supply as and when a decision is taken by the concerned Revenue department. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

vri

To

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

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

3.The Tahsildar,
Arni Taluk Office,
Arni, Tiruvannamalai District,
Pin-632 301.

+1cc to Mr.V.Pavel, Advocate, S.R.No.23687

+1cc to the Government Pleader, S.R.No.24291

Writ Petition No.6499 of 2018

NRL (CO)

RRK (06/04/2018)



WEB COPY