

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :03.09.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.14558 of 2017

Mettu Pasana Vivasaigal Sangam,
Rep. by its President, M.L.Padmanabhan,
D.No.855, Maravan Kuttai,
Pachampalayam Post,
Olagadam via Anthiyur,
Erode District. Petitioner

Vs.

- 1.The Chairman cum Managing Director,
X floor, NPKKR Maligai,
144, Anna Salai,
Tamil Nadu Generation and Distribution
Corporation Limited,
Chennai - 600 002.
- 2.The Chief Engineer,
Planning and Resource Centre,
VI floor, Eastern Wing, NPKKR Maligai,
144, Anna Salai,
Tamil Nadu Generation and Distribution
Corporation Limited,
Chennai - 600 002.
- 3.The Superintending Engineer,
Gobi Electricity Distribution Circle,
Tamil Nadu Generation and Distribution
Corporation Limited,
Gobichettipalayam, Erode District,
- 4.The Executive Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,
Gobi Distribution Circle, Uratchikottai
Bavani - 638 202.

... Respondents

Prayer:- Writ petition filed under Article 226 of the
Constitution of India praying for the issuance of a Writ of
Certiorari Mandamus or any other appropriate Writ, calling for

the records of the 4th respondent proceedings in No.EE/O&M/PA/KAT No/Ko/17-18 Dated 20.05.2017 quash the same and consequently direct the 4th respondent to forthwith consider the application of the petitioner sangam dated 29.04.2017 and grant agricultural service connection to the petitioner sangam without insisting Government order and No Objection Certificate.

For Petitioner : M/s.P.Saravana Sowmiyan

For Respondents: Mr.S.K.Raameshwar, Standing Counsel
for Electricity Board.

O R D E R

The order impugned dated 20.05.2017 issued by the Executive Engineer in respect of providing free Electricity Service connection for Agricultural purposes in favour of the writ petitioner association is under challenge in this writ petition.

2.The learned counsel for the writ petitioner states that the writ petitioner sangam had submitted an application seeking Electricity service connection for irrigation purposes in Erode District. The Petitioner sangam is having 47 members and for the benefit of those 47 members, the Electricity Service connection has been sought for by the writ petitioner with the competent authorities. The 4th respondent/ Executive Engineer passed an order impugned in proceedings dated 20.05.2017, stating that necessary "No Objection Certificate" and other relevant certificate from the Public Works Department have been obtained by the petitioner and therefore, the Electricity service connection cannot be given in the absence of those documents. Challenging the same, the present writ petition has been filed.

3.The learned counsel for the writ petitioner states that the "No Objection Certificate" from the Tahsildar has already been produced along with the application and the same has not been considered by the respondents.

4.The learned counsel appearing on behalf of the respondents states that necessary permissions are to be obtained from the Government, more specifically, the Public Works Department in this regard for the purpose of laying common water pipe line in that locality. In the absence of any such permission from the Government, the Electricity Board will not be in position to provide service connection in favour of a sangam. Such restrictions are imposed in order to misuse of free Electricity supply by the Government granted for irrigation purposes. Thus, a permission from the Government is mandatory for the purpose of granting free Electricity Service Connection for irrigation purposes. In similar circumstances, the other associations had

obtained such permissions from the Government and thereafter, only the respondents had provided Electricity Service Connection to the Agriculturists in that particular locality.

5.This being the conditions to be complied with by the writ petitioner, it is left open to the writ petitioner to approach the competent officials including the Government in this regard and after getting all required certificates, the petitioner shall submit an application to the 4th respondent, enabling him to conduct an enquiry and pass an appropriate orders in the matter of grant of free Electricity Service Connection for irrigation purposes. Thus, the petitioner has to get all necessary certificates including Government permission and submit a fresh application to the 4th respondent. In view of the fact, the writ petitioner has not submitted all the required documents, the impugned order cannot be set aside and there is no infirmity as such. Accordingly, the writ petitioner shall submit fresh application with all necessary documents including Government permission and if any such applications along with the all required documents are submitted, then the 4th respondent shall consider the same and pass orders on merits and in accordance with law.

6.With these observations, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

vv2/kak

To

1.The Chairman cum Managing Director,
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Tamil Nadu Generation and Distribution Corporation Limited,
Gobi Distribution Circle, Uratchikottai,
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+ 1 cc to Mr. Saravanan Sowmiyan, Advocate Sr.60763

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(CS-V)
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