

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.15964 of 2017

Shri. S.Chezhian

...Petitioner

Vs

- 1.Tamil Nadu Electricity Board (TANGEDCO),
Rep. by its Chairman, No.144, Anna Salai,
Chennai 600 002.
- 2.The Assistant Engineer (Operation & Maintenance),
Tamilnadu Electricity Board (TANGEDCO)
Kadaladi, Tiruvannamalai District.
3. The Revenue Divisional Officer,
Kalachappakkam Taluk,
Thiruvannamalai District.
4. The Administrator,
Sidhi Vinayagar Temple,
Kadaladi Village,
Kalachappakkam Taluk,
Thiruvannamalai District.

(R4 impleaded as per order dated 01.11.2017
by KRCBJ in WMP No.29076 of 2017 in
W.P.No.15964/17)

...Respondents

Prayer:-Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of certiorarified mandamus to call for the records and to quash the letter No.க.எண்.உமிபொ.இப.கடலாடி.பொதுஎண் 92/2017-18 of the second respondent dated 12.06.2017 in relation to issue of additional electricity service connection to run power loom project of the petitioner at Sidhi Vinayagar Temple Madum and direct the second respondent to provide additional electricity service connection to the petitioner to run power loom project at Sidhi Vinayagar Temple Madum in Survey No.1150/12 measured about 0.01.5 Ares within the time fixed by this Court.

For Petitioner : M/s.P.Uma

For Respondents: Mr.M.Varun Kumar for R1 & R2
Standing Counsel
Mr.D.Suriya Narayanan for R3
Additional Government Pleader
Ms.V.S.Manjula for R4

ORDER

The petitioner is aggrieved against the proceedings of the second respondent dated 12.06.2017 and consequently, seeking for a direction to the second respondent to provide an additional electricity service connection to the petitioner to run a power loom at Sidhi Vinayagar Temple Madum in Survey No.1150/12 measured about 0.01.5 Ares within the time fixed by this Court.

2.The petitioner is the tenant under the fourth respondent temple in respect of the subject matter property. There is no dispute to the fact that already electricity service connection has been given to the said premises with single phase supply. Now, the petitioner seeks for providing three phase service connection for the purpose of running a power loom after obtaining necessary permission to do so from the fourth respondent temple. The said request is not considered by the second respondent only on the reason that the petitioner has not obtained No Objection Certificate from the Revenue Department, since the property is situated in Government poramboke land. Therefore, he passed the impugned order, rejecting the request of the petitioner for providing three phase service connection.

3.Learned counsel for the petitioner submitted that since the premises is already enjoying the single phase service connection, there cannot be any objection for the second respondent to provide three phase connection for the same premises and for which purpose, there is no necessity to get a No Objection Certificate from the Revenue Department.

4.On the other hand, the learned counsel appearing for the Electricity Board submitted that since the land, in which the subject matter premises located, is belonging to the Government as poramboke, the petitioner's claim cannot be considered.

5.Heard both sides.

6. When there is no dispute to the fact that the subject matter premises is already provided with single phase service connection and till this date, there is no action taken by the Revenue Department to make any claim over the subject matter land, this Court is of the view that there cannot be any impediment for the Electricity Board to provide three phase service connection, as requested by the petitioner for the purpose of running the power loom.

7.Needless to say that providing the electricity connection does not mean that the right and title of the petitioner or the fourth respondent over the subject matter land is recognised by the Electricity Board. On the other hand, as and when any such dispute arises, the same shall be decided in accordance with law by the competent Court and in the meantime, any facility provided to the premises including the electricity supply, is always subject to the outcome of the said litigation. Therefore, I find that the impugned order passed by the second respondent cannot be sustained and accordingly, the same is set aside. Consequently, the writ petition is allowed and the second respondent is directed to consider the request of the petitioner for providing three phase electricity service connection to the subject matter premises and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. It is also made clear that such provision of electricity service connection shall be in the name of the fourth respondent temple and not in the name of the petitioner, since he is only a tenant. No costs.

-s/d-

Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

vr

To

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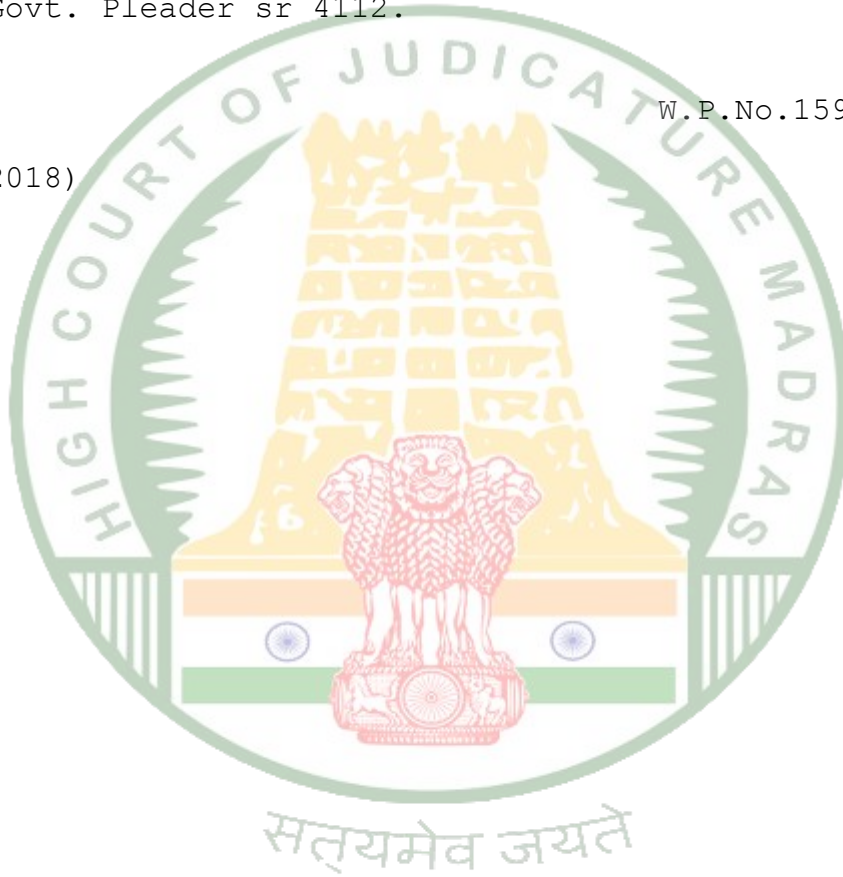
+1 CC to Ms.P. Uma, Advocate sr 3448.

+1 Cc to Mr.M. varunkumar, advocate sr 4148.

+1 Cc to Govt. Pleader sr 4112.

W.P.No.15964 of 2017

SP(25/01/2018)



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