

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2018
CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.16920 of 2017
and W.M.P.No.18380 of 2017

M.Kandayaran

... Petitioner

Vs.

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

2.The Assistant Electrical Engineer,
Tamilnadu Electricity Board,
Arni, Tiruvannamalai District
Pin-632 301.

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

... Respondents

Prayer :

This 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 21.6.2017 passed in Ka.No./Assistant Electrical Engineer/E.Pa/Town East/ Arni/ Ko.Petn/No.60 and quash the same and consequently direct the 2nd respondent to give electricity service connection to the house in 118, Pallikooda Street, Arni, Thiruvannamalai District on receipt of the application for electricity service connection from the petitioner.

For Petitioner : Ms.G.Janaki

For Respondents : Mr.M.Varunkumar,
Standing Counsel for R1 & R2
Mr.R.Govindasamy,
Special Government Pleader, for R3

O R D E R

The petitioner is aggrieved against the order of the second respondent dated 21.6.2017, informing that the service connection to the petitioner's premises can be granted only when he obtains "No Objection Certificate" from the concerned Revenue Tahsildar, since the subject matter property is a Government Poramboke Land.

2. The learned counsel for the petitioner submitted that the petitioner is a poor daily wager and he 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.

3. 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. To that effect, the respondents 1 and 2 have also filed a counter affidavit.

4. Heard both sides.

5. The petitioner seeks for electricity supply to his residence, which is, situated in a Poramboke Land, belonging to the Government. However, it is stated by the petitioner that he 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 him. 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.

6. 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.

7. 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 respondents 1 and 2.

8. 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 VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman, TANGEDCO,
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Pin-632 301.

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

+1cc to Mr.V.Pavel, Advocate, S.R.No.10823
+1cc to Mr.M.Varunkumar, Advocate sr.no.10845
+1cc to Government Pleader, in sr.no.11005

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CS/23/02/18