

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :14.08.2018
CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
WP.No.24855 of 2013
and
M.P.Nos.1 and 2 of 2013

M. Rajakannu

..Petitioner

vs

- 1.The District Collector,
Collectorate, Salem District.
- 2.The Tahsildar, Idappadi Taluk,
Salem District.
- 3.The Village Administrative Officer,
Poolampatti Village, Idappadi Taluk,
Salem District.
- 4.The Executive Officer,
Poolampatti Town Panchayat,
Poolampatti, Idappadi Taluk,
Salem District.
- 5.The Assistant Engineer,
Operation & Maintenance,
Tamil Nadu Generation and
Distribution Corporation,
Poolampatti, Idappadi Taluk,
Salem District.

..Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India petitioner prayed that this Court to issue a writ of Certiorarified Mandamus calling for the records from the file of the 4th respondent in Na.Ka.No.95/2013 dated 14.06.2013. Consequently, the order of 5th respondent in Ka.No.A.E./O.M./P.P/Ko.Pu.Ma/No.149/2013 dated 17.06.2013 and quash the same and further direct the 5th respondent to provide domestic electricity service connection to the petitioner's house in D.No.4/2/93(1) situating in survey number 62/4 at Kuppanoor Kaattuvalavu, Poolampatti Village, Idappadi Taluk, Salem District.

For Petitioner : Mr. C. Kulanthaivel

For Respondents : Mr. R.S.Selvam

Government Advocate for R1 to R3

Mr. R.Govindasamy for R4

Mr. S.K.Rameshwar for R5

O R D E R

The relief sought in this writ petition is to quash the order of rejection for providing electricity service connection in favour of the writ petitioner and to direct the 5th respondent to provide domestic electricity service connection to the petitioner's house in D.No.4/2/93(1) situating in survey number 62/4 at Kuppanoor Kaattuvalavu, Poolampatti Village, Idappadi Taluk, Salem District.

2. The grievances of the writ petitioner is that he made application seeking electricity service connection for domestic purposes to the respondents. However, the application submitted by the petitioner was rejected on the ground that required documents have not been produced by the petitioner enabling the respondents to consider his claim positively.

3. The learned Standing counsel appearing for the Electricity Board relying on the counter affidavit filed by the 5th respondent states that the writ petitioner has failed to submit the required documents and therefore, the case of the writ petitioner was rejected in accordance with the regulations.

4. In this regard, the facts are enumerated in Paragraph Nos.5 and 6 of the counter affidavit filed by the 5th respondent which reads as follows:

''5. I submit that the applicant Tmt.Rajakannu, has not given any reply for the clarification sought vide letter No.AE/O & M/PPY/F.DOC/D:91/13. Dated 17.05.2013, but requested to give service connection to her house at SF No.62/4 and also informed that the land at SF No.62/3B is a Porombokku land belongs to public works depart and not an ancestral property as stated by the objections Marimuthu, Mani, Murugan and also.

The Executive Office/Town Panchayat has cancelled the House Tax receipt levied in the name of Rajakannu, since vide letter No.95/2013 dated 14.06.2013 based on the reply of EO/town Panchayat the application received from Tmt.Rajakannu has been returned vide letter No.AE/O&M/PPYF.DOC/D:149/13, dated 17.06.2013.

The applicant has produced house tax receipt in support of her application due to cancellation of house tax receipt itself by the EO/Town Panchayat. The application was returned. If the applicant have produced any one of the ownership documents the application will be processed according to TANGEDCO. Before returning the

application Tmt.Rajakannu, served with notice prove her ownership of land but the applicant not produced the same.

Hence the application returned vide 17.06.2013 is in order and there is no violation of rules.

6. I submit in the event the applicant produces any one of the document such as patta, House tax receipt or water tax receipt the board will be able to process the application and consider the same.

5. In view of the above factual position, the petitioner is at liberty to submit all necessary documents along with the application to the 5th respondent to consider the same on merits and in accordance with the Rules and Regulations. In the event of submitting any such application by the writ petitioner, the same shall be considered within a reasonable period of time, preferably within a period of twelve weeks from the date of receipt of copy of this order.

6. The writ petition stands disposed of with the above direction. No Costs. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

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5.The Assistant Engineer,
Operation & Maintenance,
Tamil Nadu Generation and
Distribution Corporation,
Poolampatti, Idappadi Taluk,
Salem District.

+1cc to Mr.R.Govinda Samy,Spl.Government Pleader, S.R.No.55935
+1cc to Mr.C.Kulanthaivel, Advocate, S.R.No.56293
+1cc to the Government Pleader, S.R.No. 56390.

WP.No.24855 of 2013

SPD(CO)

rrs 12/09/2018



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