



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.(MD) No.630 of 2018andW.M.P.(MD) No.663 of 2018

H.Bhagavath Singh

... Petitioner

Vs.

The Assistant Engineer,
Distribution / Urban,
Tamil Nadu Electricity Board,
Reddiyarpatti,
Tirunelveli-51.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the respondent impugned order dated 16.12.2017 in Ka.Na.U.Mi.Poo/Ve/Reddi/Napuram/Koo.Pugar / A.No.191/17 and quash the same and consequently directing the respondent to proceed to complete the pending work of new electricity connection which is already sanctioned by the respondent on 23.10.2017 and restraining the third party's complaints for interfering to grant the Electricity connection.

For Petitioner	: Mr.S.Mahalakshmi
For Respondents	: Mr.G.Kasinathadurai Standing Counsel

ORDER

The writ petition has been filed challenging the the order passed by the respondent refusing to give electricity service connection on the ground some third parties have objections and asked the petitioner to rectify the defect.

2.According to the petitioner he is a graduate and he intended to start a small scale industry in Survey No.821/3C1, Arokiyanagar, Adaimithippankulam, Tharuvai, Tirunelveli District to an extent of 442 Sq. feet. He has also obtained necessary permission from the authorities concerned for starting plastic industry. Subsequently, the petitioner filed an application before the respondent seeking electricity service connection on 21.10.2017 and also paid CC deposit, Meter caution deposit, Development Charges and other charges on 23.10.2017. Thereafter the impugned notice dated 16.12.2017 has been issued by the respondent stating that some crusher, owner of the nearby places, has been raising some



objections and hence, the petitioner was directed to solve the above objections and thereafter only the service connection will be given to the petitioner. Challenging the above said notice the present Writ Petition has been filed by the petitioner.

3.The learned Standing counsel appearing for the respondent submitted that now Tahsildar, Palayamkottai, sent objections stating that the petitioner's industry is now situated within 300 metres of a stone quarry and hence, it is violating the Rule 36 (1)(a) of Tamil Nadu Miner Mineral Concession Rules, 1959. Hence, no service connection can be given to the petitioner and only on the basis on that objection, now the respondent is not in a position to give service connection to the petitioner and he has also produced the fresh notice issued by the respondent dated 10.01.2017.

4.This Court has considered the rival submissions made on either side and also perused the materials available on record.

5.Admittedly, the petitioner only sought service connection for his plastic industry put up in Survey No.821/3C1, for manufacturing some plastic items and it is not for any other residential purpose and the Rule 36 (1)(a) of the Tamil Nadu Miner Mineral Concession Rules, 1959 is applicable only to any house sites situated within 300 metres of quarrying site and inhabited site is also explained in the aforesaid Rule as a site or a house site as referred to in the revenue records or a house site or lay out approved by a local body or town or Country or Metropolitan Planning Authority.

6.In this case, it is seen that, this petitioner is about to start a plastic industry in his place. Hence, there cannot be any objections of violation of the Rule 36 (1)(A) of Mines and Construction Rules. Hence, the impugned order passed by the respondent is set aside and the Writ Petition is allowed and the respondent is directed to consider the application filed by the petitioner and grant service connection, if the application is otherwise in order. No Costs. Consequently, W.M.P.(MD)No.663 of 2018 is also closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To
The Assistant Engineer,
Distribution / Urban,
Tamil Nadu Electricity Board,
Reddyarpatti, Tirunelveli-51.



+1cc to M/S.S.Mahalakshmi, Advocate SR.No. 47006
+1cc to M/S.G.Kasinathadurai, Advocate SR.No. 46793

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JM/SKN RSK/SAR 1/22.02.2018/3P/4C