



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 20.06.2018
C O R A M

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

WEB COPY

W.P. (MD) No.7888 of 2018

A.Lakshmanan

... Petitioner

Vs.

The Assistant Engineer
TANGEDCO
Iyangudi (Rural)
Sivagangai District.

...Respondent

Prayer: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Mandamus to direct the respondent to provide forthwith the Electricity Service connection to the petitioner's dwelling house, situating in D.No.13/89, Pasumai Nagar, Keelayur Colony (Burma Colony) Keelayur Post, Ilayangudi Taluk, Sivagangai District.

For Petitioner : Mr.M.S.Jeyakarthik

For Respondent : Mr.S.M.S. Johnny Basha
Standing Counsel for Electricity Board

O R D E R

This petition is filed by the petitioner for issuance of writ of mandamus to direct the respondent to provide forthwith the Electricity Service Connection to the petitioner's dwelling house in Door No.13/89, Pasumai Nagar, Keelayur Colony (Burma Colony) Keelayur Post, Ilayangudi Taluk, Sivagangai District.

2. The case of the petitioner is that the petitioner constructed a concrete house bearing Door No.13/89, Pasumai Nagar, Keelayur Colony (Burma Colony) Keelayur Post, Ilayangudi Taluk, Sivagangai District. It is stated that the petitioner is living with his family in his house from the year 2014. Though the petitioner has filed an application seeking for Electricity Service Connection from the respondent, it is stated that the service connection is yet to be given.

3. The learned counsel for the petitioner further stated that the property in which the petitioner has constructed the house was originally a patta land and that the Revenue Officials cancelled the patta stood in the name of the persons who were occupying the land by putting up construction. It is further



stated that the revenue officials have decided to grant patta to the individuals who have put up construction and living there in the colony for a long number of years. Since a policy decision is taken to grant patta for the occupants, the learned counsel for the petitioner states that to the petitioners who is in settled possession the Electricity Department cannot deny electricity service connection on the ground that the petitioner is occupying poramboke land.

4. It is to be noted that the application seeking Electricity Service Connection filed by the petitioner was considered and by communication dated 05.12.2017 the respondent has stated that the petitioner should approach with the consent letter from the Tahsildhar, Ilayangudi with all the property tax receipts for getting Electricity Service Connection etc.

5. The learned counsel for the petitioner produced before this Court a judgment of the Single Bench of this Court in the case of S.Rajakumari -vs-Chairman, Tamil Nadu Electricity Board, Chennai and others reported in (2007) 1 MLJ 241 wherein this Court had held that supply in respect of the property constructed in Paramboke land can be granted. In this regard, it is relevant to extract Rule 27(12) of Tamil Nadu Electricity distribution Code which reads as follows:

"12. Supply shall be given in poramboke land on production of

i) No Objection Certificate obtained from the Officer (not below the rank of Deputy Tahsildhar) or

ii) Where such No Objection Certificate could not be produced by the applicant for service connection the following undertaking shall be furnished:-

(1) I am aware that I am liable to be evicted and for supply disconnection at any time if the lands are required by the Government and /or any dispute arises at a later date and that electricity supply given in this regard will not confer any claim on ownership of the land.

(2) I am aware that the above undertaking shall not confer permanent and full right to the ownership of the land"

6. Hence, this Court is of the view that Electricity Service Connection can be granted irrespective of the fact that the petitioner has constructed a house in poramboke land after getting undertaking as required under clause 27 (12) of the Electricity Distribution Code.



7. The application of the petitioner can be favorably considered by the respondent. This Court is inclined to dispose of this petition with the following direction:

" The respondent is directed to consider the petitioner's application and provide Electricity Service Connection to the petitioner's dwelling house situated in Door No.13/89, Pasumai Nagar, Keelayur Colony (Burma Colony) Keelayur Post, Ilayangudi Taluk, Sivagangai District upon the petitioner giving undertaking as required. In case of any defect in the application filed by the petitioner, the respondent may request the petitioner to furnish fresh application with necessary documents ".

8. As a result, this writ petition is disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

The Assistant Engineer
TANGEDCO
Ilayangudi (Rural)
Sivagangai District.

+1CC to Mr.M.S.Jeyakarthik, Advocate, SR.No.69001

W.P.(MD)No.7888 of 2018
20.06.2018

AAV

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