



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.05.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.10595 of 2018

and

W.M.P. (MD) No.9663 of 2018

WEB COPY

A. Lazar Doss

... Petitioner

Vs.

The Assistant Electrical Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,
Karur - 622 204
Avudaiyarkovil Taluk,
Pudukottai District.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the impugned order passed by the respondent in letter No.உமிபொ/ இ&கா. கருர் / கோ/ IIIB / அஎண் / 020/ 2018-19 dated 16.04.2018 and to quash the same as illegal and further direct the respondent to grant four months time for producing the land ownership certificate and revenue documents by considering the representation of the petitioner dated 28.04.2018.

For Petitioner

: Mr.K.R.Laxman

For Respondent

: Mr.E.P.Venkateshwar,

for Mr.S.M.S.Johnny Bhasha

ORDER

This Writ Petition is filed for issuance of a Writ of Certiorarified Mandamus, to quash the impugned order passed by the respondent in letter No.உமிபொ/ இ&கா. கருர் / கோ/ IIIB / அஎண் / 020/ 2018-19 dated 16.04.2018 and to issue a further direction to the respondent, to grant four months time for producing the land ownership certificate and revenue documents by considering his representation, dated 28.04.2018.

2. The petitioner states that he is running a prawn farm and the land which he used is a waste dry poramboke land, which is not suitable for any agricultural purpose. The petitioner even admitted that he has encroached the land and commenced prawn farm in the poramboke land. Though the petitioner has stated that he has applied for assignment of the land, all the details of the application are not referred to. However, the respondent issued the impugned notice stating that the service connection extended to the petitioner will be disconnected, if the petitioner is not able to produce the records to prove the ownership or lawful possession in respect of the land in which the petitioner is carrying on prawn farm.



3. The grievance of the petitioner is that he has made an application before the Government for assignment and it may not be possible for the petitioner to produce the records within a period of 15 days, given by the respondent. The learned counsel for the petitioner further states that he is doing prawn farming and that the disconnection of supply of electricity will cause irreparable loss to the petitioner.

4. Having regard to the circumstances, this Court is inclined to pass the following direction:-

" The petitioner will be given four months time from the date of receipt of a copy of this order, to produce the assignment order or No objection Certificate before the respondent. In case, the petitioner is not able to produce any records to show that his possession is lawful, that he has obtained an assignment order or atleast No Objection certificate from the concerned Government officials, the respondent will be at liberty to disconnect the electricity service connection. The petitioner also undertakes to leave the land, in case, he is unable to secure the assignment order or No Objection certificate from the Government Authorities."

5. With these directions, this Writ Petition is disposed of. However, there shall be no order as to costs. Consequently, connected W.M.P(MD) No.9663 of 2018 is closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

The Assistant Electrical Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,
Karur - 622 204
Avudaiyarkovil Taluk,
Pudukottai District.

+1cc to Mr.K.R.Laxman, Advocate Sr.No.65091

STS/PMU

VB/RSK/SAR2/17/05/2018/2P/3C

Order in

W.P. (MD) No.10595 of 2018

03.05.2018