



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESHW.P. (MD) No.21937 of 2016

Palanivel

... Petitioner

vs.

1.The Superintendent Engineer,
Tamil Nadu generation and distribution corporation,
Thanjavur.

2.The Executive Engineer (Operation and maintenance)
Tamil Nadu generation and distribution corporation,
Thanjavur.

3.The Assistant Engineer (Operation and maintenance),
Tamil Nadu generation and distribution corporation,
Thanjavur.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the third respondents to provide electricity connection to the petitioner's house at Siva Viduthi Village, D.No.223/1, North Street, Orathanadu Taluk, Thanjavur District by considering the petitioner's application dated 09.09.2016.

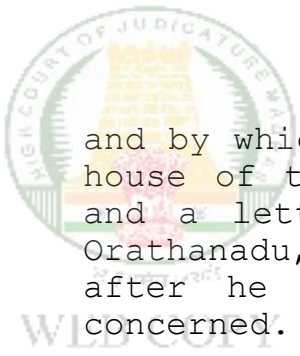
For Petitioner : Mr.G.Karnan
For Respondents : Mr.S.M.S.Johnny Basha

ORDER

The petitioner has come forward with the present writ petition, seeking a Writ of Mandamus, directing the third respondent to provide electricity connection to his house at Siva Viduthi Village, D.No.223/1, North Street, Orathanadu Taluk, Thanjavur District by considering his application dated 09.09.2016.

2.The case of the petitioner is that he approached the third respondent for effecting electricity service connection to his house bearing D.No.223/1, North Street, Orathanadu Taluk, Thanjavur District. Since the said request has not been considered, the petitioner is before this Court.

3.Today, when the writ petition is taken up for hearing, the learned counsel for the petitioner produced a copy of the communication dated 12.12.2016 issued by the third respondent, in



and by which, it has been informed to the petitioner that since the house of the petitioner is located in a Government Poramboke land and a letter to that effect has been issued by the Tahsildhar, Orathanadu, the request of the petitioner could be considered, only after he produces No Objection Certificate from the authority concerned.

4. According to the petitioner, Rule 27 (2) (12) of the Tamil Nadu Electricity Distribution Code, empowers the respondents to effect service connection to Poramboke lands also on production of No Objection Certificate from an officer not below the rank of Deputy Tahsildhar. Even in a case where No Objection Certificate is not produced by the applicant seeking for service connection, on execution of indemnity bond in the form prescribed by the Board, service connection could be effected, making it clear that merely because of the power supply is given, it would not confer the ownership over the disputed land.

5. In view of the above, I do not see any impediment for the respondents to consider the petitioner's request for grant of service connection.

6. In the light of the above observation, the proceedings of the third respondent in க.எண். உ.பி.வா/இ & பரா/திரு/கோ.புதுமர்/அ.எண் - 188/2016-17 dated 12.12.2016 is set aside. There shall be a direction to the third respondent herein to effect electricity service connection by considering the petitioner's application dated 09.09.2016, for the property at Door No.223/1, North Street, Orathanadu Taluk, Thanjavur District, by taking into account of the observation made above. Such an exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

7. With the above observation, this writ petition is disposed of. No Costs.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The Superintendent Engineer,
Tamil Nadu generation and distribution corporation,
Thanjavur.

2. The Executive Engineer (Operation and maintenance)
Tamil Nadu generation and distribution corporation,
Thanjavur.



3.The Assistant Engineer (Operation and maintenance),
Tamil Nadu generation and distribution corporation,
Thanjavur.

WEB COPY

+1CC to Mr.G.Karnan Advocate in SR.No.74437.

DAS

DS/SKN-RSK/SAR-2 :02.08.2018: 3P/5C

W.P.(MD) No.21937 of 2016
23.07.2018