



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2019

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. 10697 of 2008
and
M.P. 1 of 2008

M.Lakshmi (died)
W/o. Malayanna Gounder,
represented by her Power Agent
Mr.K.Duraisamy.

1. D.Thavamani

2. M.Mohana Sundaram

... Petitioners

Impleaded as per order dated
12.06.2019 in W.M. P. 23326 of 2018

Versus

1. The Chief Engineer (Distribution),
Tamil Nadu Electricity Board,
Erode.

2. The Superintending Engineer,
Tamil Nadu Electricity Board,
Namakkal.

3. The Executive Engineer,
(Operation and Maintenance),
Tamil Nadu Electricity Board,
Jedarpalayam,
Paramathivelur Taluk,
Namakkal Dt.

...Respondents

4. The Assistant Engineer,
(Operation and Maintenance),
Tamil Nadu Electricity Board,
Jedarpalayam,
Paramathi velur Taluk,
Namakkal Dt.



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 4th respondent in letter No.AE&O&M.Jedar/Va.Aa/Ka.Ve.Sa.Mu/No.011/08, dated 05.04.2008, quash the same and consequently direct the fourth respondent to issue Electricity service connection to the well belonging to petitioner in S.No.260/3, Kurumbalamahadevi village, P.Velur Taluk, Namakkal Dt.

For Petitioner : Mr.M.Sudhakar

For Respondent : Mr.S.K.Rameshuwar,
Standing Counsel for TNEB

ORDER

This Writ Petition has been filed challenging the impugned order issued by the 4th respondent dated 05.04.2008 and to quash the same and consequently directing the 4th respondent to issue electricity service connection to the well belonging to the petitioner in Survey No.260/3, Kurumbalamahadevi Village, P.Velur Taluk, Namakkal District.

2. The case of the petitioner is as follows :-

The petitioner is owning an agricultural land in Survey No.260/3, Kurumbalamahadevi village and he has made application on 27.01.1982 seeking for service connection in her name to the 3rd respondent Tamil Nadu Electricity Board (hereinafter called as 'Board') and that application was registered in No.DET/PDM/1830/81-82 and thereafter, a reminder was sent on 16.10.2002 and again, he has made another representation dated 20.11.2002. Thereafter, the petitioner has also issued legal notice on 08.03.2003 and subsequently, it was intimated to the petitioner by letter dated 01.07.2006 that a person, who registered the application has to produce the copy of permit and no objection certificate from the revenue authorities and the sale deed obtained by the petitioner and immediately, he has submitted the same before the 3rd respondent Board. Even thereafter, the petitioner was not given electricity connection to his agricultural land. All the representations of the petitioner were sent by way of Registered post with acknowledgment due and the acknowledgment was also produced before this Court. However, for the reasons best known to the 3rd respondent Board, it was replied to the petitioner on 01.07.2006 instructing that the petitioner has to get no objection



certificate from the revenue authorities, since his survey number is situated near Cauvery basin. Thereafter, on 01.09.2006, the 3rd respondent Board informed to the petitioner that his application is under process and it is ready for effecting service connection vide No.Se.Po./Va.Uu/Pa.Ve./Ka.90, dated/No.029/06, dated 01.09.2006. In pursuant to the said letter, the petitioner has purchased the electrical motors from Kumaran Electricals, however, on 05.04.2008, the petitioner was informed that already 3 HP connection was effected in petitioner's father's name and again, reiterated the condition as if the petitioner has to secure no objection certificate from the revenue department. Challenging the same, the present Writ Petition has been filed.

3. Mr.Abrar, learned counsel appearing for the petitioner would submit that the petitioner has made a fresh application without name transfer on 27.01.1982 and subsequently, they have sent reminder letters frequently upto 2006 and thereafter, on 01.09.2006, the 3rd Respondent Board has expressed his willingness to give electricity connection and further directed to get no objection certificate from the revenue authority, which is unnecessary. The petitioner has sought electricity connection only for the petitioner's patta land and not for poramboke land and not for drawing water directly from the Cauvery river. Hence, he prayed to grant the relief as prayed for.

4. The learned standing counsel appearing for the respondents Board would submit that vide order dated 01.09.2006, the 3rd respondent Board has inadvertently passed an irrelevant order and the 3rd respondent is ready to comply with the order dated 01.09.2006.

5. In view of the above, the letter dated 01.09.2006 clearly indicates that the Electricity Board is ready to effect the electricity service connection. On perusal of the above materials makes it clear that the petitioner has sought electricity connection only for the petitioner's patta land and not for drawing water directly from the Cauvery river or for poramboke land. Hence, the reasons assigned in the impugned order is unsustainable one and it is hereby set aside. Accordingly, this Writ Petition stands allowed.

6. Further, as the petitioner has already complied with the condition imposed in the order dated 01.09.2006, the 3rd respondent Board is directed to comply the order dated 01.09.2006 and to effect service connection to the petitioner's land in survey No.260/3, Kurumbalamahadevi Village, Paramathivelur Taluk, Namakkal District within a period of twelve weeks from the date of receipt of the copy of this order,



if there is no other legal impediments. No costs. Consequently, the connected Miscellaneous Petition is closed.

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Sd/-
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

rpp

To

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Tamil Nadu Electricity Board,
Erode.
2. The Superintending Engineer,
Tamil Nadu Electricity Board,
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3. The Executive Engineer,
(Operation and Maintenance),
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W.P. 10697 of 2008
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NMI (CO)
GMY (05/08/2019)