

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.08.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No. 18091 of 2011

and

M.P.No.1 and 2 of 2011

M.K.Koya

.. Petitioner

vs

1.The Managing Director,
Tamil Nadu Generation and Distribution,
Corporation Limited, NPKRR Maligai,
Chennai-600 002.

2.The Assistant Engineer,
Town South/TANGEDCO,
Gudalur Gudalur Bazaar Post,
The Nilgiris-643 212.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari Mandamus, to call for the records of the second respondent pursuant to order in Lr.No.AE/Town South/G.dr/F.DK1/D.No.227/2011 dated 02.03.2011 and quash the same and consequently direct the second respondent to provide Electricity connection to the petitioner's House Bearing Registration Number 17/106-L(New No.17/126), as per Application dated 07.02.2011.

सत्यमेव जयते

For Petitioner : Mr.S.Gunaseelan

For Respondents : Mr.S.K.Rameshwar

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O R D E R

The prayer sought for herein in this Writ Petition is for issuance of a Writ of Certiorari Mandamus, to call for the records of the second respondent pursuant to order in Lr.No.AE/Town South/G.dr/F.DK1/D.No.227/2011 dated 02.03.2011 and quash the same and consequently direct the second respondent

to provide Electricity connection to the petitioner's House Bearing Registration Number 17/106-L(New No.17/126), as per Application dated 07.02.2011.

2. According to the petitioner, he was in exclusive possession and enjoyment of agricultural land developed with plantation crops such as Coffee, Tea etc. measuring to an extent of 10 acres comprised in Survey number in Survey No. 46B/1A1A3A1 of O Valley Village of Gudalur Taluk in the District of Nilgiris and the petitioner was living with his family members, wherein Door No.17/106-L(New No.17/126). Thereafter, he made an application for Electricity connection before the second respondent, on 07.02.2011 for his house bearing Door No.17/106-L(New No.17/126), which has been accepted by the second respondent on 10.02.2011. Thereafter, the second respondent issued letter on 02.03.2011. Then, he has instructed the petitioner to produce the "No Objection Certificate" issued from the District Forest Officer and District Collector for effecting Electricity supply, as the land comes under Section 17 of Gudalur Jenmam Act. Aggrieved, against the same, the present writ petition was filed.

3. The learned counsel for the petitioner submitted that normally the District Forest Officer and District Collector have never given the "No Objection Certificate" to any person in that area, and the second respondent has effected Electricity Connection to a number of Persons in his neighborhood, without producing any "No Objection Certificate" from the any authorities. Therefore, this Court may be please to issue a direction to the second respondent for effecting electricity connection to the petitioner's house.

4. The learned counsel for the respondents submitted that the area comes under Section 17 of Gudalur Jenmam Act, therefore, the petitioner issued a direction to produce the "No Objection Certificate" from the District Forest Officer and District Collector for effecting Electricity supply, but till now the petitioner has not produced the "No Objection Certificate". He further submitted that if the Petitioner submits the "No Objection Certificate", the second respondent is ready to give electricity connection to his house.

5. Considering the facts and circumstance and on a perusal the impugned order passed by second respondent had replied that the said land was comes under Section 17 of Gudalur Jenmam Act. Therefore, the petitioner is directed to produce the "No

Objection Certificate" from the concerned authorities.

6. Accordingly this court is inclined to grant permission to the petitioner to make a fresh application for "No Objection Certificate" from the concerned authorities for electricity connection to the second respondent. With the above direction the writ petition is disposed off. No Costs. Consequently, the connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar (CS-I)

True Copy

Sub-Assistant Registrar

tta

To

1. The Managing Director,
Tamil Nadu Generation and Distribution,
Corporation Limited, NPKRR Maligai,
Chennai-600 002.

2. The Assistant Engineer,
Town South/TANGEDCO,
Gudalur Gudalur Bazaar Post,
The Nilgiris-643 212.

+1 CC to Mr. S. Gunaseelan, Advocate sr 71649.

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PPA (CO)
SP (03/10/2019)

सत्यमेव जयते

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