

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2019

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.2418 of 2019

S.Kavitha

...Petitioner

Vs

1.The Chairman
Tamil nadu Electricity Board
Anna Salai
Chennai - 600 002.

2. The Asst. Executive Engineer
Tamil Nadu Electricity Board
O & M/TANGEDCO
Nungambakkam
Chennai - 600 034.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to provide Electricity Service Connection to the petitioner's Bunk Shop at No.142/A, Habibullah Road, T.Nagar, Chennai - 600 017, based upon the representation dated 10.10.2018 preferred by the petitioner herein.

For Petitioner : Mr.Kingston Jerold

For Respondents : Mr.P.R.Dhilipkumar
Standing Counsel for EB .

O R D E R

The relief sought for in the present writ petition is to direct the respondents to provide Electricity Service Connection to the petitioner's Bunk Shop at No.142/A, Habibullah Road, T.Nagar, Chennai - 600 017, based upon the representation dated 10.10.2018.

2. The learned counsel for the writ petitioner states that he is a differently abled person and running a bunk shop near ICICI ATM, at No.142/A, Habibullah Road, T.Nagar, Chennai - 600 017 and for the past 4 years with the support of the bunk shop by way of selling Tea, coffee and other eatable items in that

locality.

3. The writ petitioner claims that he is entitled to continue the bunk shop in Habibullah Road and he made an application to the respondent / Tamil Nadu Electricity Board for providing electricity service connection. The respondents directed the writ petitioner to produce the No Objection Certificate from the Tahsildar and from the Competent Officials of the Corporation of Chennai. In the absence of such No Objection Certificate, the respondent would not be in a position to provide electricity service connection to the writ petitioner.

4. The learned counsel for the writ petitioner states that the Tahsildar is not issuing such a No Objection Certificate in favour of the writ petitioner to run the bunk shop. This Court is of an opinion that if the writ petitioner is an encroacher of the public road, then the Competent Authorities are not empowered to issue any such No Objection Certificate. The No Objection Certificate can be issued by the Competent Authorities, only if permission or order is passed permitting the writ petitioner to continue the bunk shop in the particular locality.

5. The writ petitioner has not able to produce any such documents showing that he is running the bunk shop with a proper permission or an order issued by the Competent Authorities. Thus, the writ petitioner cannot seek any electricity service connection in the absence of any valid permission from the Competent Authorities.

6. However, it is left open to the writ petitioner to submit any such valid document to the respondent/ Electricity Board for the purpose of getting electricity service connection. In the event of submission of requisite document and valid permission from the Competent Authorities, the case of the writ petitioner shall be considered on merits and with reference to the Electricity Supply Code and Distribution Code.

7. With these observations, the writ petition stands dismissed. No Costs.

-s/d-
Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

Pkn/kmm

To

1.The Chairman
Tamil nadu Electricity Board
Anna Salai
Chennai - 600 002.

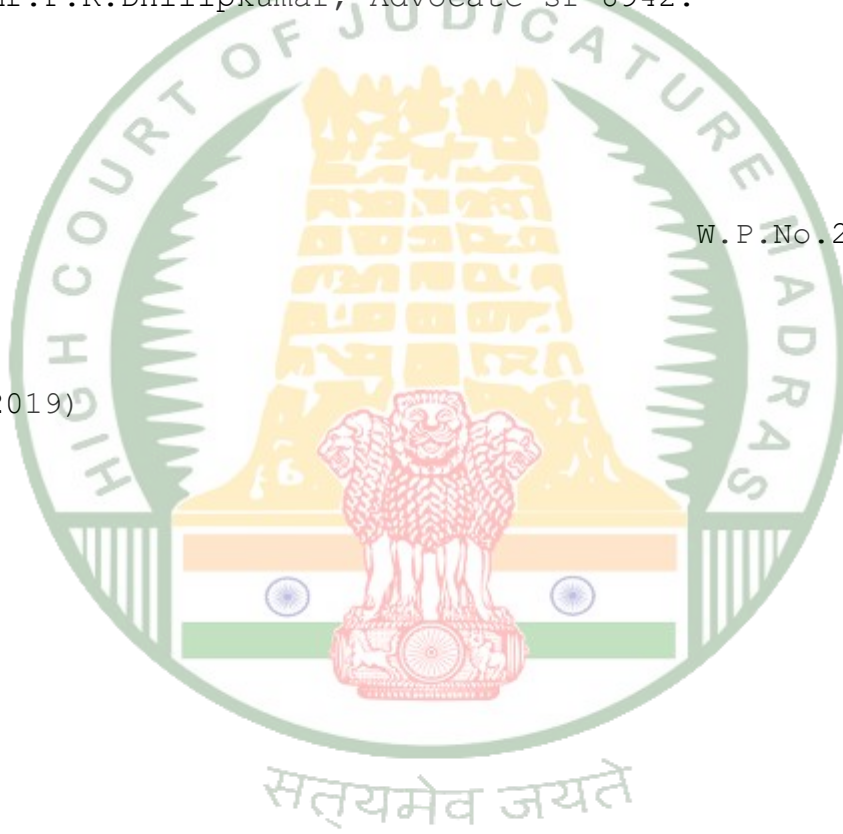
2. The Asst. Executive Engineer
Tamil Nadu Electricity Board
O & M/TANGEDCO
Nungambakkam
Chennai - 600 034.

+2 Ccs to M/s. Kingston Jerold, Advocate sr 8836.

+1 CC to Mr.P.R.Dhilipkumar, Advocate sr 8942.

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KJ(CO)
SP(22/02/2019)



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