

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:07.03.2019

CORAM

THE HON'BLE MR. JUSTICE V.PARTHIBAN

W.P.No.19443 of 2011

K.Mani

...Petitioner

vs.

1.Union of India,
rep.by Ministry of Environment and Forests,
New Delhi.

2.The Superintending Engineer,
Tamil Nadu Electricity Board,
Thiruvannamalai,
Thiruvannamalai District.

3.The Junior Engineer,
Tamil Nadu Electricity Board,
Nallavanpalayam,
Thiruvannamalai.

4.The Principal Chief Conservator of Forests,
Jeenes Road,
Panagal Building,
Saidapet,
Chennai-15.

5.The District Forest Officer,
Thiruvannamalai Forest Zone,
Thiruvannamalai District

...Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the first respondent to grant approval for the usage of the forest area for the non-forest purpose of giving electricity service connection to the petitioner's land at S.No.166 at Melsirupakkam Village, Chengam Taluk, Thiruvannamalai District.

For Petitioner .. Mr.G.Rajan

For Respondents ... Mr.V.Athikesavan
C.G.C for R1
Mr.N.Varunkumar for R2 and R3
Mr.Vijay Prashanth
A.G.P. For R4 and R5

ORDER

The petitioner herein has come forward with the present writ petition seeking a direction to the competent authority to give electricity service connection for his land at Survey No.166 at Melsirupakkam Village, Chengam Taluk, Tiruvannamalai District.

2.According to the petitioner, inspite of proper application having been made, neither the second and third respondent nor the fourth and fifth respondent have considered his application. Since the petitioner requires electricity service connection to a forest land for non-forest purpose, according to respondents 2 to 5, the request has to be considered and cleared by the first respondent/Ministry of Environment and Forests.

3.When the matter is taken up for hearing, the learned counsel appearing for the 4th and 5th respondent would submit that it is the duty of the user agency to get necessary approval from the first respondent/Ministry of Environment and Forests and the user agency is the Tamil Nadu Electricity Board in this case.

4.At this, the learned counsel appearing for the second and third respondent/Electricity Board would submit that the petitioner can approach the first respondent and obtain necessary clearance.

5.This Court is unable to appreciate the stand taken by the Electricity Board in this regard, since it is the duty of the Electricity Board to approach the first respondent for obtaining permission to give electricity service connection to the petitioner in forest area, which is being used for non-forest purpose by the petitioner.

6.According to the learned counsel for the petitioner already proper application has been made on 14.05.2010 to the competent authorities. Despite the same, no action has been forthcoming from the competent authority, viz., the Electricity Department, till date. Therefore, he would submit that necessary direction be issued to the Electricity Board to

approach the first respondent/Ministry of Environment and Forests in order to obtain necessary permission and clearance for the purpose of fulfilling the request made by the petitioner in his application dated 14.05.2010.

7.Considering the request made by the petitioner and the fact that the application seeking electricity service connection was made way back on 14.05.2010 to the Electricity Board and also considering the pendency of litigation before this Court for about seven years and still the issue of providing electricity service connection has not been resolved, in the fitness of things, this Court is of the considered view that a suitable direction be issued to the Tamil Nadu Electricity Board/the second and third respondents herein.

8.In view of the above, the second and third respondents are directed to approach the first respondent/Ministry of Environment and Forests in regard to consideration of the application submitted by the petitioner to the Board on 14.05.2010 for the purpose of providing electricity service connection to the subject property, since the Board alone is the competent authority to approach the first respondent/Ministry of Environment and Forests, as individual consumer cannot approach the Ministry directly in view of the provisions of the Forest Act and Rules. The second and third respondents are directed to forward the application filed by the petitioner and obtain necessary orders from the first respondent/Ministry of Environment and Forests. The second and third respondent are directed to address appropriate letters to the first respondent/Ministry of Environment and Forests within a period of three weeks from the date of receipt of copy of this order. On any such request made by the second and third respondent, the first respondent/Ministry of Environment and Forests is directed to take a decision in regard to the request made by the Electricity Board on the subject matter within a period of four weeks thereafter. Any decision taken in the matter shall be communicated to the petitioner forthwith.

With the above direction the writ petition stands disposed of. No costs.
Msk

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Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1.The Ministry of Environment and Forests,
New Delhi.

2.The Superintending Engineer,
Tamil Nadu Electricity Board,
Thiruvannamalai,
Thiruvannamalai District.

3.The Junior Engineer,
Tamil Nadu Electricity Board,
Nallavanpalayam,
Thiruvannamalai.

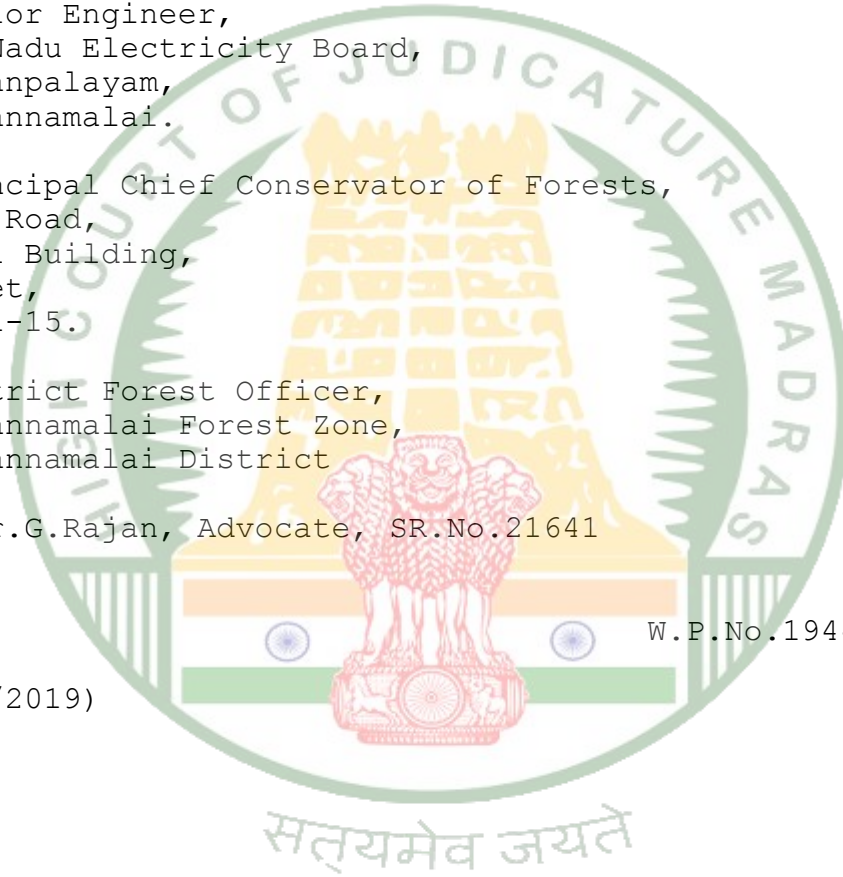
4.The Principal Chief Conservator of Forests,
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5.The District Forest Officer,
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Thiruvannamalai District

+1cc to Mr.G.Rajan, Advocate, SR.No.21641

W.P.No.19443 of 2011

Kak(08/04/2019)



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