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IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :23.10.2019
CORAM
THE HON'BLE MR.JUSTICE M.DHANDAPANI
W.P.No.2452 of 2012
and M.P.No.2 of 2012

K.Manjula

..Petitioner

Vs

1.The Superintending Engineer,
Tamil Nadu Electricity Board,
Thiruvannamalai.

2.The Assistant Electric Engineer,
Operation and Maintenance,
Tamil Nadu Electricity Board,
Town (North), Vengikal Village,
Thiruvannamalai. .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the second respondent vide order dated 30.01.2012 vide proceedings Ka.No./AE/O & M North/Thiruvannamalai/D.General/No.367/11-12 to disconnect petitioner power connection vide Service Connection No.945 to petitioner residence and to quash the same.

For Petitioner : Mr.S.Vijayakumar
For R1 and R2 : Mr.Varunkumar
For Respondent 3: Mrs.P.Rajalakshmi
Additional Government Pleader

O R D E R

The prayer sought for in this Writ Petition is for issuance of Writ of Certiorari, calling for the records relating to the second respondent vide order dated 30.01.2012 vide proceedings Ka.No./AE/O & M North/Thiruvannamalai/D.General/No.367/11-12 to disconnect petitioner power connection vide Service Connection No.945 to petitioner residence and to quash the same.

2.The case of the petitioner is that the petitioner is in possession of the property bearing Door No.1447 C Kanchi Road, Vengikal Village and Post, Thiruvannamalai District and the same was built in the lands assigned to his predecessor late.K.Suresh, who had been in absolute possession from the year

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1991, the said Suresh died in the year 1994, after his death his wife Saroja and his legal heirs had been in absolute possession of the said property. The petitioner as well as his predecessor have paid the kist for the said lands and super structure till date vide Kist receipt No.C.16 092899 dated 01.07.1991 and C.96 217230 dated 02.02.2010. Thereafter, he have been in absolute possession and enjoyment of the said property.

3.While so, the petitioner approached the Tahsildar, Thiruvannamalai, seeking No Objection to put up construction in the land and the neighbours also applied for No Objection Certificate from the Tahsildar, Thiruvannamalai, for putting up construction. The said authority examined the possession and eventually issued No Objection Certificate vide proceedings No.E1/14812 dated 12.02.2010. In this connection based on the No Objection Certificate issued by the Tahsildar, Thiruvannamalai.

4.The petitioner had put up a small residential house admeasuring an extent of 1440 sq.ft and availed the power connection from the respondents. Based upon the No Objection Certificate issued by the Tahsildar, Thiruvannamalai and the power connection was given to the petitioner on 13.10.2010. The petitioner paid the electricity charges periodically.

5.While being so, the second respondent in his proceedings Ka.No./AE./O & M North/Thiruvannamalai/D.General/No.367/11-12 dated 30.01.2012 issued orders to disconnect the power connection pertains to the petitioner's residence within 24 hours on receipt of the impugned order. On an enquiry, it was revealed that No Objection Certificate was temporarily cancelled without any notice .

6.Thereafter, they filed the writ petition challenging the above said order, Mr.S.Vijayakumar, learned counsel appearing for the petitioner would submit that the petitioner being in possession from the hands of one Suresh, legal heirs of one Suresh, however, they did not execute any sale deed in favour of the petitioner. Admittedly, the said land is poramboke land and it is for the Revenue Authority to take appropriate action till then in the capacity of occupation. The petitioner is entitled to enjoy the Electricity Connection till the eviction order is issued by the concerned authority.

7.Mr.M.Varunkumar, learned counsel for the respondent would submit that the petitioner during the pendency of the writ petition had regularly paying the consumption charges, however, the service connection will be continued till the eviction

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proceedings concluded by the Revenue Authorities.

8.Considering the facts and circumstances of the case and no records were produced before this Court for proving his title, the petitioner occupation for which he refused electricity connection based on the letter issued by the Tahsildar, Thiruvannamalai and the Tahsildar, Thiruvannamalai cancelled the No Objection Certificate. Even then the Revenue Authorities have taken appropriate action against the petitioner to clear the encroachment in the manner known to law till such time the petitioner shall enjoy the service connection.

9.In view of the above, I am inclined to dispose the petition and the respondents are directed to not to disconnect the connection till the eviction order of the Revenue Authorities proceed in respect of possession of the petitioner.

10.With the above directions, the Writ Petition stands disposed of. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rna

To

1.The Superintending Engineer,
Tamil Nadu Electricity Board,
Thiruvannamalai.

2.The Assistant Electric Engineer,
Operation and Maintenance,
Tamil Nadu Electricity Board,
Town (North), Vengikal Village,
Thiruvannamalai.

+1cc to Mr.S.Vijayakumar, Advocate sr.88871
+1cc to Government Pleader SR.NO. 89218

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and M.P.No.2 of 2012

gp(co)
nr 08/01/2020

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