

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.5446 of 2019 and
WMP.Nos.6192 and 6195/2019

Skyrams Outdoor Advertisings India Private
Limited rep. by its Authorised Signatory,
Old No.67A, New No.59, Bharathi Colony,
Peelamedu, Coimbatore-641 004.

... Petitioner

Vs

1. Tamil Nadu Generation and Distribution
Corporation Limited rep. by its
Executive Engineer, Coimbatore
Electricity Distribution Circle/
South, Coimbatore-641 018.

2. The Assistant Executive Engineer/
TANGEDCO Operation and Maintenance,
Coimbatore Electricity
Distribution Circle/South,
Kuniyamuthur,
Coimbatore 641 018.

3. Coimbatore Smart City Limited
rep. by its Managing Director,
Big Bazaar Street,
Coimbatore-641 001.

4. Coimbatore City Municipal Corporation
rep. by its Commissioner,
Coimbatore-641 001.

5. The District Collector,
Coimbatore-641 018.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of
India, to issue a Writ of Certiorarified Mandamus, calling for
the records of the 2nd respondent relating to his Letter
No.AEE/D/Kuni/City/F.Complaint Petition/A.No.08/19 dated

04.02.2019 and quash the same and direct the 2nd respondent to continue to ensure uninterrupted power supply to Service Connection No.265:001:3673 on collection of consumption charges from the petitioner.

For Petitioner : Mr.K.Doraisami,
Senior Counsel
for M/s.Kandhan Doraisami

For Respondents : Mr.S.K.Raameshuwar,
1 and 2 Standing Counsel

For respondents : Mr.K.Ravikumar,
4 and 5 AGP

O R D E R

This Writ Petition has been filed, challenging the letter of the 2nd respondent, namely, The Assistant Executive Engineer/TANGEDCO, Coimbatore Electricity Distribution Circle/South, Kuniyamuthur, Coimbatore 641 018 in Letter No.AEE/D/Kuni/City/F.Complaint Petition/A.No.08/19 dated 04.02.2019, quash the same and for further direction, directing the 2nd respondent to continue to ensure uninterrupted power supply to Service Connection No. 265:001:3673 on collection of consumption charges from the petitioner.

2. When the matter is called, it is jointly represented by both sides that the dispute raised in the Writ Petition has already been considered by this Court in W.P.No.3511/2019 dated 08.02.2019, more particularly, paragraphs 6 and 8 can be followed in the present case.

3. Since it is stated that the issue-in-dispute has already been decided by this Court in W.P.No.3511/2019 dated 08.02.2019, more particularly in paragraphs 6 and 8, it is relevant to extract the said paragraphs here under :

'6. Today, when the matter is called, the learned Standing Counsel for the respondents 1 and 2 by producing a copy of a Memo dated 20.8.2016 fairly submitted that since the TANGEDCO Technical Branch, Chennai has issued a Memo dated 20.08.2016 stating that the following documents shall be obtained while effecting service connection to the Hoardings, namely, 1) License issued by the District Collector to erect a Hoarding; 2) No Objection from the owner of the land where the hoarding is to be erected in a land or building (including Government land/building); 3)

Certificate from a police officer not below the rank of Deputy Superintendent of Police in case of City Municipal Corporation, Municipality or Town Panchayat and in case of other areas, a certificate from a Police Officer not below the rank of Inspector of Police shall be obtained to the effect that the proposed hoarding would not be an obstruction to free and safe movement of traffic, pedestrians and vehicles; and 4) A topo sketch indicating the proposed location of the hoarding and a plan of the hoarding as approved by a qualified engineer, the 2nd respondent as per the said Memo dated 20.08.2016 sought for 'No Objection Certificate' from the owner of the land where the hoardings are being erected. The learned Standing Counsel for the respondents 1 and 2 further submitted that as per the said Memo, the petitioner was asked to obtain and produce the 'No Objection Certificate'.

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8. Considering the facts and circumstances of the matter, this Court is of the view that since a tender for installation of the Digital Information Board itself has already been issued by the 3rd respondent, namely, the Managing Director of the Coimbatore Smart City Limited to the petitioner, there is no need for producing any separate licence from the respondents 1 and 2 and similarly, 'No Objection Certificate' is also not required from the District Collector, Coimbatore. Therefore, the impugned letter of the 2nd respondent dated 25.01.2019 is quashed with a direction to the respondents not to interfere with the power supply provided to Service Connection No.001-003-0983.'

4. As I have mentioned above, since the 3rd respondent, namely, the Managing Director of the Coimbatore Smart City Limited himself has issued a tender for installation of the Digital Information Board to the petitioner herein, there is no need for producing any separate licence from the respondents 1 and 2 and similarly, 'No Objection Certificate' is also not required from the District Collector, Coimbatore. Therefore, the impugned letter of the 2nd respondent dated 04.02.2019 is quashed with a direction to the respondents not to interfere with the power supply provided to Service Connection No. 265:001:3673.

5. With the above observation and direction, the Writ Petition is disposed of. No costs.

Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Executive Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited, Coimbatore
Electricity Distribution Circle/
South, Coimbatore-641 018.
2. The Assistant Executive Engineer/
TANGEDCO Operation and Maintenance, Coimbatore Electricity
Distribution Circle/South,
Kuniyamuthur,
Coimbatore 641 018.
3. The Managing Director,
Coimbatore Smart City Limited,
Big Bazaar Street,
Coimbatore-641 001.
4. The Commissioner,
Coimbatore City Municipal Corporation,
Coimbatore-641 001.
5. The District Collector,
Coimbatore-641 018. सत्यमेव जयते

+1 cc to The Government Pleader, SR.No.21543

+1 cc to M/s.Muthumani Doraisamy, Advocate SR.No.20674

PM(CO)
CSL/01.04.2019

W.P.No.5446 of 2019