

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2019

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.8184 of 2019

A.Gopi

.. Petitioner

-vs-

1.The Assistant Executive Engineer,
O/o TANGEDCO, Chengalpet,
Kanchipuram District.

2.The Assistant Engineer,
O/o TANGEDCO,
O&M/Rural/South (Opp. to New bus stand)
Chengalpattu-603 002.

3.The Junior Engineer,
O/o TANGEDCO, Chengalpet,
Kanchipuram District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the second respondent in Ref.No.Ka.No.U.Po/e.Po/Rural/South/Cgl/Ko.Kat/Asal 309/2019 dated 13.02.2019 and quash the same as the same is arbitrary, illegal and non-est in the eyes of law and consequently directing the respondents to provide the electricity connection to the residence of the petitioner in Yadavar Street, Thirumani Village, Thirukalukundram Taluk, Kancheepuram District after obtaining necessary deposit and undertakings, within a stipulated time as may be fixed by this Court.

For Petitioner : Mr.V.Subramanian

For respondents: Mr.S.K.Raameshuwar,
Standing Counsel

ORDER

The writ petition has been filed questioning the correctness of the impugned order passed by the second respondent in Ref.No.Ka.No.U.Po/e.Po/Rural/South/Cgl/Ko.Kat/Asal 309/2019 dated 13.02.2019 and seeking a direction to the respondents to provide the electricity connection to the residence of the petitioner in

Yadavar Street, Thirumani Village, Thirukalukundram Taluk, Kancheepuram District after obtaining necessary deposit and undertakings, within a stipulated time.

2.Learned counsel appearing for the petitioner would submit that the petitioner is having three daughters, who were studying 1st year Under Graduate in the College, pursuing Higher Secondary in the School and studying in 8th standard respectively. According to the learned counsel appearing for the petitioner, though the petitioner has been residing in the said place for more than 15 years, he is not able to get electricity connection on the ground that the said place is classified as poramboke land. However, the houses situated in and around the residence of the petitioner, are provided with the electricity connection. Hence, the petitioner applied for the electricity connection in the year 2013 and paid required amount in the respondent office, but he could not get the electricity connection, despite repeated visits made by him to the respondent office. Therefore, when the petitioner made a representation to the respondents on 11.02.2019, the same was rejected citing the reason that he has not produced any proof to the ownership of the house.

3.Learned Standing Counsel appearing for the respondents would submit that when the petitioner claims that he is in Government poramboke land, as per Clause 27(12) of the Tamil Nadu Electricity Distribution Code which stipulates that supply shall be given in poramboke lands/Government lands on production of No Objection Certificate obtained from the concerned officer of the Government of Tamil Nadu and the applicant shall execute an indemnity bond in FORM-6 of the Annexure III to this Code and also pay security deposit twice the normal rate, he has neither produced no objection certificate from the concerned officer nor executed indemnity bond.

4.It is useful to extract Clause 27(12) of the Tamil Nadu Electricity Distribution Code as under:

(12)Supply shall be given in Poramboke lands/Government lands on production of No Objection Certificate obtained from the concerned officer of the Government of Tamil Nadu. The applicant shall execute an indemnity bond in FORM-6 of the Annexure III to this Code and also pay security deposit twice the normal rate.

5.Therefore, the writ petition stands disposed of directing the petitioner to obtain No Objection Certificate from the Deputy Tahsildar concerned and execute indemnity bond as prescribed under Clause 27(12) of the Tamil Nadu Electricity

Distribution Code. On production of the same, the respondents shall provide electricity connection to the petitioner's land within a period of four weeks thereafter. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

vga

To

1.The Assistant Executive Engineer,
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Kanchipuram District.

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3.The Junior Engineer,
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Kanchipuram District.

+1 CC to Mr.V.Subramanian, Advocate sr 29537.

+1 CC to Mr.S.K.Raameshuwar, Advocate sr 29431.

W.P.No.8184 of 2019

SS(CO)
SP(28/05/2019)

सत्यमेव जयते

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