

In the High Court of Judicature at Madras
Dated : 30.4.2019
Coram

The Honourable Mr.Justice T.S.SIVAGNANAM
and
The Honourable Mrs.Justice V.BHAVANI SUBBAROYAN

Writ Appeal No.1590 of 2019

S.Mala

...Appellant

Vs

1.The Chairman-cum-Managing
Director, TANGEDCO, NPKRR
Maaligai, 144, Anna Salai,
Chennai-2.

2.The Assistant Executive Engineer,
Operation & Maintenance,
Tamil Nadu Electricity Board,
Arumbakkam, Chennai.

3.The Assistant Engineer, Operation
& Maintenance, Tamil Nadu
Electricity Board (West),
Nerkunram West, Koyambedu,
Chennai-107.

4.G.V.H.Prasadh

....Respondents

APPEAL under Clause 15 of the Letters Patent to set
aside the order dated 22.2.2019 made in W.P.No.5040 of 2019.

Prayer in W.P.No.5040 of 2019:

Writ Petition filed under Article 226 of the
Constitution of India Praying for issuance of a Writ of
Certiorarified Mandamus Calling for the production of the
records relating to the proceedings of the 3rd respondent
dated 23.3.2018 made in Ka.No.U.PO/E and Pa/Ne.Ki/Kattur
new electricity connection / No.186/2018 quash the same and
direct the 3rd respondent to provide electricity connection
to the house of the petitioner at No.1176/42 Thiruvalluvar
Street Mettukulam P.H.Road Koyambedu Chennai - 600 107.

For Appellant : Mr.S.Senthilnathan
For Respondents 1 to 3 : Mr.P.R.Dilip Kumar

Judgment was delivered by T.S.SIVAGNANAM, J

We have heard Mr.S.Shanmugasundaram, learned counsel for the appellant and Mr.P.R.Dilipkumar, learned Standing Counsel accepting notice for respondents 1 to 3.

2. This appeal is directed against the order dated 22.2.2019 made in W.P.No.5040 of 2019.

3. The said writ petition was filed by the appellant challenging the proceedings of the third respondent herein dated 23.3.2018 and to direct the third respondent to grant electricity service connection to the appellant's house at No.1176/42, Tiruvalluvar Street, Mettukulam, P.H.Road, Koyambedu, Chennai-107.

4. The learned Single Judge dismissed the said writ petition by noticing two facts. Firstly, in the order dated 23.3.2018, the third respondent directed the appellant to produce a no objection certificate from the Deputy Tahsildar concerned, since the land has been classified as a Government poramboke land. The second aspect, which was noticed by the learned Single Judge, was that a suit has been pending at the instance of the fourth respondent.

5. Admittedly, the land is a Government land and it is not known as to how the appellant could have acquired title or could have effected purchase of the property. However, we do not wish to make any observation in this regard because the fourth respondent is stated to have filed a civil suit. So far as the request made by the appellant to get electricity connection is concerned, the third respondent rejected the same and directed the appellant to produce a no objection certificate from the Deputy Tahsildar. This has not been produced by the appellant.

6. When the land being a Government land, the question of executing an indemnity bond would not arise, as such an option would be available only in cases where there is a dispute between two private parties or generally in the case of a dispute between a land owner and his tenant. Therefore, in our considered view, unless the appellant complies with the condition stipulated by the third respondent in his communication dated 23.3.2018, there is no feasibility for obtaining electricity service connection.

7. For the above reasons, the writ appeal is dismissed. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1.The Chairman-cum-Managing Director, TANGEDCO, NPKRR
Maaligai, 144,
Anna Salai, Chennai-2.

2.The Assistant Executive Engineer, Operation &
Maintenance, Tamil Nadu

Electricity Board, Arumbakkam, Chennai.

3.The Assistant Engineer, Operation & Maintenance, Tamil
Nadu Electricity

Board (West), Nerkunram West, Koyambedu,
Chennai-107.

RS

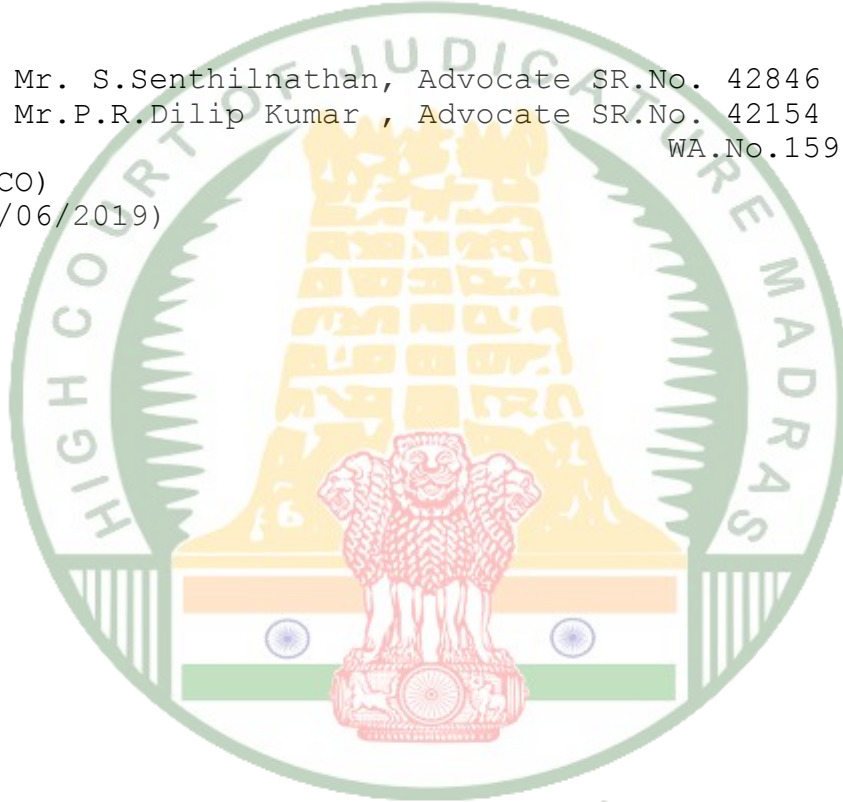
+1cc to Mr. S.Senthilnathan, Advocate SR.No. 42846

+1cc to Mr.P.R.Dilip Kumar , Advocate SR.No. 42154

WA.No.1590 of 2019

ssv (CO)

A.SK(27/06/2019)



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