



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **06.06.2019**

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.12844 of 2019

S.Sathiya

...Petitioner

-Vs-

1. The District Collector,
Trichy District.
2. The Tahsildar,
Thiruvarambur Taluk,
Trichy District.
3. The Assistant Engineer (Operation
and Maintenance),
TANGEDCO,
Thondaimaan Nallur Road,
Kulathur Taluk,
Pudukkottai District.

...Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the 1st respondent to give electricity service connection to the petitioner house comprised in S.F.No.731 of Sepalanthoppu, Periyasuriyur Village, Thiruvarambur Taluk, Trichy District at once.

For Petitioner : Mr.P.Ganapathi Subramanian
For Respondents : Mrs.J.Padmavathi Devi, Spl.G.P.
for RR1 and 2
Mrs.M.Rajeswari for
Mr.S.M.S.Johny Basha, for R1

ORDER

The prayer in this writ petition is for a Writ of Mandamus, directing the 1st respondent to give electricity service connection to the petitioner house comprised in S.F.No.731 of Sepalanthoppu, Periyasuriyur Village, Thiruvarambur Taluk, Trichy District at once.



Government Pleader appearing for the respondents 1 and 2 and Mrs.M.Rajeswari for Mr.S.M.S.Johny Basha, learned standing counsel for the 3rd respondent.

3.The petitioner admittedly having constructed a residential house in a Government poramboke land at S.F.No.731 of Sepalanthoppu, Periyasuriyur village, Thiruvarambur Taluk, Trichy District and has been residing therein and for the said building, the petitioner applied to the respondent for service connection, which has been refused on the ground that the petitioner must get no objection certificate from the revenue department.

4.The learned counsel appearing for the petitioner would submit that, in this kind of cases, number of orders have been passed by this Court, where, if an execution of bond are undertaken by the occupants of the Government land for getting no objection certificate to get service connection, then, the revenue department can grant no objection certificate and based on which, the electricity department can consider the grant of service connection.

5.I have heard the learned standing counsel appearing for the electricity board, who would submit that, on production of no objection certificate from the revenue authority, they are ready and willing to provide electricity connection.

6.I have also heard the learned Special Government Pleader appearing for the respondents 1 and 2, who would submit that on making such request and execute an indemnity bond/undertaking affidavit to the 2nd respondent, they would consider for grant of no objection certificate.

7.I have considered the said submissions made by the learned counsel appearing for the parties.

8.In an earlier occasion, number of orders of this nature have been passed by this Court and one such order dated 04.02.2019 passed in W.P.(MD) NO.889 of 2018 by the learned Judge of this Court has also been relied upon, where, the learned Judge has stated as follows:

"2.I am not inclined to grant further time. It is more so because, in respect of the very same survey number, other occupants filed W.P.(MD) No.5417 of 2014 and the same was allowed on 09.04.2014 with the following directions:

"8.The petitioners are directed to approach the Tahsildar, Thiruvarambur to execute an undertaking affidavit to the effect they will vacate the property in the event Government requires the lands, for the purpose of obtaining 'no objection'



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certificates for electricity connection. In case, the petitioners give any undertaking to vacate the property, necessarily 'no objection' certificate should be given by the Tahsildar, Thiruvarambur within two weeks from the date of receipt of such undertaking. Similarly, in the event of producing 'no objection' certificates by the petitioners before the first respondent, the application for electricity connection should be considered and disposed of within a period of two weeks from the date of receipt of application."

3.This writ petition is disposed of with the very same direction. No costs."

9.In view of the above, this Court is inclined to pass the following order:

"that the petitioner shall approach the second respondent by giving a request with indemnity bond and affidavit to that effect that as and when the revenue authority requires the petitioner to vacate the premises, he shall vacate the same without any objection and on receipt of such undertaking/indemnity bond from the petitioner, the 2nd respondent shall issue no objection certificate on condition that the petitioner at any time would be vacated on need basis by the revenue department and the nomenclature of the no objection certificate shall also contain the word 'conditional no objection'. Such no objection certificate shall be given accordingly by the 2nd respondent within a period of two weeks from the date of receipt of such undertaking affidavit/indemnity bond from the petitioner and on receipt of such no objection certificate, the same shall be produced by the petitioner to the 3rd respondent, who on receipt of the same shall extend service connection for domestic service to the petitioner thereafter, within a period of two weeks."

10.With this direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)



To

1. The District Collector,
Trichy District.

2. The Tahsildar,
Thiruvarambur Taluk,
Trichy District.

3. The Assistant Engineer, (operation and Maintenance)
TANGEDCO,
Thondaimaan Nallur Road,
Kulathur Taluk,
Pudukkottai District.

+1cc to M/s.P. Ganapathi Subramanian, Advocate, Sr.No.67251

+1cc to Spl. Govt. Pleader SrNo. 67394

Order made in
W.P. (MD) No.12844 of 2019

Dated:

06.06.2019

BUC (CS) (19/06/2019) 4P/6C