



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 14.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.8661 of 2018

and

W.M.P. (MD) Nos.8127 and 8128 of 2018

J.Rajakumari

... Petitioner

Vs

1.The Assistant Engineer,
Tamilnadu Generation and Distribution Corporation Ltd.,
Nanguneri-627 108,
Tirunelveli District.

2.The Tahsildar,
Nanguneri Taluk,
Tirunelveli District.

R2 is impleaded vide Court order
dated 05.07.2018 in
W.M.P. (MD) No.12452 of 2018

... Respondents

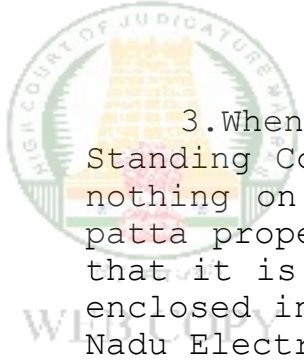
PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records on the file of the respondent in pursuant to the impugned order of rejection in providing the Electricity Service connection passed by him vide his proceedings in Ka.No.Thi.Mi.Vaa/Nugar/4/Va.Aa/Ko.Kattu/Va.No.49/2018 dated 28.02.2018 and quash the same as arbitrary and colourable exercise of power and consequently direct the respondent to provide the Electricity Service connection to the Harijan Bricks Manufacturers Co-operative Society KV 175, Nanguneri, Tirunelveli District.

For Petitioner	: Mr.G.Thalaimutharasu
For R1	: Mr.Kasinathadurai
For R2	: Mr.M.Rajarajan
	Government Advocate

ORDER

Heard the learned counsel on either side.

2.The writ petitioner seeks electricity service connection for the brick kiln Chamber located in S.No.8/2, Nanguneri Village. The first respondent has informed the petitioner that without getting no objection certificate from the jurisdictional Tahsildar, it is not possible to effect service connection. This communication dated 28.02.2018 is assailed in this writ petition.



3. When the matter was taken up for hearing, the learned Standing Counsel appearing for the TANGEDCO submitted that there is nothing on record to indicate that the property in question is the patta property of the writ petitioner. The writ petitioner asserts that it is an assigned land. But the assignment patta has not been enclosed in the typed set of papers. Regulation 27(12) of the Tamil Nadu Electricity Distribution Code reads as follows:

12. Supply shall be given in poromboke land on production of-

(i) No Objection certificate obtained from the Officer (not below the rank of Deputy Tahsildar) or

(ii) Where such No Objection Certificate could not be produced by the applicant for service connection the following undertaking shall be furnished:-

(1) "I am aware that I am liable to be evicted and for supply disconnection at any time if the lands are required by the Government and / or any dispute arises at a later date and that electricity supply given in this regard will not confer any claim on ownership of the land.

(2) I am aware that the above undertaking shall not confer permanent and full right to the ownership of the land.

4. Therefore, the impugned communication cannot be faulted. It is for the petitioner to establish before the first respondent that the property in question is a patta land. If the property in question is a poromboke land then no objection certificate must be obtained from the second respondent.

5. Since in this case, the petitioner has not enclosed any material to show that it is a patta property and she has not enclosed any no objection certificate from the jurisdictional Tahsildar, the first respondent cannot really be blamed for issuing the impugned communication.

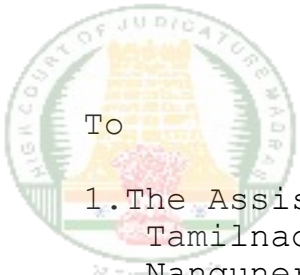
6. Keeping open the rights of the writ petitioner, this writ petition is closed. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar()

/True Copy/

Sub Assistant Registrar(CS-)



To

1.The Assistant Engineer,
Tamilnadu Generation and Distribution Corporation Ltd.,
Nanguneri-627 108,
Tirunelveli District.

2.The Tahsildar,
Nanguneri Taluk,
Tirunelveli District.

+1cc to M/S.G.Thalaimutharasu, Advocate, SR.No.54386

+1cc to M/S.Kasinathadurai, Advocate, SR.No.54743

+1cc to Special Government Pleader, SR.No.54345

W.P. (MD) No.8661 of 2018
and

W.M.P. (MD) Nos.8127 and 8128 of 2018

SP/03.04.2019/ 3P/6C