



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.23064 2018

and

W.M.P. (MD) No.20958 of 2018

D.Raja

... Petitioner

Vs.

1.The Superintending Engineer,
Virudhunagar Electricity Distribution Circle,
TANGEDCO,
Virudhunagar Town & District.

2.The Assistant Executive Engineer (Distribution),
TANGEDCO,
Watrap, Srivilliputhur Taluk,
Virudhunagar.

3.The Assistant Engineer (West),
TANGEDCO, Watrap,
Srivilliputhur Taluk,
Virudhunagar District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of third respondent made in Ka.No.Oo.Mee.Po/West/Vathirayirupu/Go/Kattu/A.No.265/18, dated 01.10.2018 and the order of the second respondent in Ka/No/Oo.Se.Po/Vini/Vathirayirupu/Ko.Puharmanu/A.No.360/2018, dated 09.10.2018 and to quash the same as illegal and arbitrary and consequently, direct the respondents herein to provide electricity service connection under Tariff 3A1 Agricultural connection to the bore well of the petitioner situated in SF No.1156 of Maharajapuram Village, Srivilliputhur Taluk.

For Petitioner

:Mr.H.Arumugam,
for Mr.M.Tirunavukkarasu

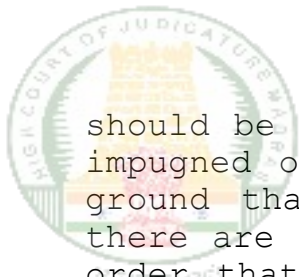
For Respondents

:Mr.G.Kasinathadurai

ORDER

Heard the learned counsel on either side.

2.The writ petitioner seeks provision of electricity connection for the petition mentioned land under the payments scheme. The land in question is a poromboke land. However, the jurisdictional thasildar has issued a No Objection Certificate. Of course, condition has been stipulated that no permanent structures



should be erected on the land. While so, the respondents by the impugned order have cancelled the petitioner's registration on the ground that there is a permanent structure in the land and that there are four bore wells. It has also been stated in the impugned order that there is an objection from one Rajendran. Questioning the order dated 01.10.2018 passed by the third respondent, the petitioner filed an appeal before the second respondent. The second respondent declined to interfere with the order passed by the third respondent. These orders are under challenge in this writ petition.

3.The learned Standing Counsel appearing for the respondents wanted this Court to sustain the orders impugned in the writ petition.

4.The learned counsel appearing for the petitioner submitted that even in respect of poramboke land, one is entitled to get service connection, provided the jurisdictional Thasildar gives a No Objection Certificate. In this case, No Objection Certificate has been obtained. The No Objection Certificate is still in force. The Thasildar has not chosen to recall the No Objection Certificate issued by him. Therefore, it is not open to the respondent herein to decline to grant electricity service connection on the ground that the permanent structure has been put up in the land in question.

5.In any event, the learned counsel appearing for the petitioner states that the offending structure has since been demolished, as on date, an inspection can be undertaken to see if there are any permanent structures. He also submitted that even though there are four bore wells in the land in question, three of them have gone dry and they have also been closed. There is only one bore well. Only for the remaining bore well, the petitioner is seeking electricity connection.

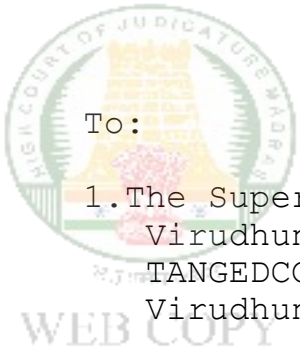
6.I am of the view that when the petitioner is fulfilling the norms, under which, a person can be granted electricity service connection under payment scheme, there is no reason for denying the petitioner's request. The respondents are therefore directed to undertake an inspection of the petition mentioned land. If as claimed by the petitioner, there is no permanent structures and the three bore wells have gone dry and closed, the respondents shall provide electricity service connection to the petitioner under the payment scheme. In this view of the matter, the order impugned in this writ petition is quashed. The writ petition is allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar (CS)



To:

1.The Superintending Engineer,
Virudhunagar Electricity Distribution Circle,
TANGEDCO,
Virudhunagar Town & District.

2.The Assistant Executive Engineer (Distribution),
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Watrap, Srivilliputhur Taluk,
Virudhunagar.

3.The Assistant Engineer (West),
TANGEDCO, Watrap,
Srivilliputhur Taluk,
Virudhunagar District

+1 CC to M/s.M.THIRUNAVUKKARASU, Advocate (SR-61860[F]
dated 23/04/2019)

W.P. (MD) No.23064 2018
and
W.M.P. (MD) No.20958 of 2018
23.04.2019

CS (MK) : 10/05/2019/3P/5C