



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.08.2019

CORAM:

THE HONOURABLE Mr. JUSTICE R. SURESH KUMAR

W.P. (MD) No. 17714 of 2019

WEB COPY

C.Manoharan

... Petitioner

Vs.

1. The Superintendent Engineer,
Tamil Nadu Electricity Board (Supply),
Parvathipuram,
Nagercoil,
Kanyakumari District.
2. The Junior Engineer,
Tamil Nadu Electricity Board (Supply),
Parvathipuram,
Nagercoil,
Kanyakumari District.
3. The Church of South India Trust Association,
Rep. through its Bishop,
CSI Diocesan Office,
71-A, Dennis Street,
Nagercoil,
Agasteeswaram Taluk,
Kanyakumari District.
4. The London Missionary Society Church,
Rep. through its Secretary,
LMS Kalparayadi,
Kaniyakulam Paraiyadi,
Vettoornimadam,
Nagercoil,
Kanyakumari District.

... Respondents

Prayer: The petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 herein to consider the petitioner's application under the application fee receipt dated 21.10.2014 and consequent application dated 15.08.2018 provide electricity service connection for residential premises in 6-50-1, Kaniyakulam Parayadi, Vettoornimadam, Nagercoil, Kanyakumari District within a stipulated time fixed by this Court.

**ORDER**

The prayer in the Writ petition is for a Writ of Mandamus, directing the respondents 1 and 2 to consider the petitioner's application dated 21.10.2014 and consequent application dated 15.08.2018 for providing electricity service connection for residential premises in 6-50-1, Kaniyakulam Parayadi, Vettoornimadam, Nagercoil, Kanyakumari District within a time frame.

2.The grievance of the petitioner is that the petitioner has been in occupation of the building at 6-50-1, Kaniyakulam Parayadi, Vettoornimadam, Nagercoil, Kanyakumari District, which admittedly belongs to the respondents 3 and 4 and in that building, in order to get domestic service connection, the petitioner made an application to the respondents / Electricity Board on 15.08.2018. However, the same has been kept pending before taking any decision, therefore, the petitioner is before this Court.

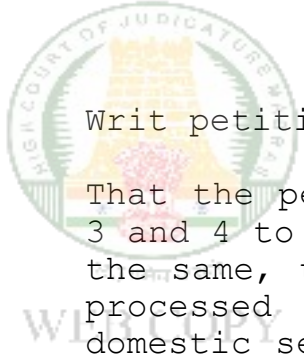
3.I have heard learned standing counsel appearing for the respondents, who would submit that admittedly, the building in question where the petitioner seeks for service connection, belong to the respondents 3 and 4.

4.The learned standing counsel for the respondents 3 and 4 therefore, submits that the respondents insisted upon NOC to be obtained by the petitioner from the respondents 3 and 4 and produce the same to the respondents / Electricity Board and on such production, the application of the petitioner would be considered for providing new service connection to the building where the petitioner is in occupation.

5.However, the learned counsel appearing for the petitioner would submit that, without insisting upon NOC from the respondents 3 and 4 and on the basis of the affidavit to be submitted by the petitioner independently, the application can be directed to be considered.

6.I have heard the learned counsel appearing for both sides and perused the materials placed before this Court.

7.Since the building in question where the petitioner seeks service connection belongs to the respondents 3 and 4 and the petitioner cannot seek any ownership over the said building, naturally, the original owner has to give NOC for getting service connection for the existing who may be either in the capacity as a tenant or a permissible occupant might have been in occupation of that building in question. At any rate, merely on the basis of an affidavit to be submitted by the petitioner such service connection cannot be directed to be given and therefore, insisting NOC by the respondents / Electricity Board cannot be found fault with and in that view of the matter, this Court is inclined to dispose of the



Writ petition with the following directions:

That the petitioner shall produce NOC obtained from the respondents 3 and 4 to the respondent / / Electricity Board and on production of the same, the application of the petitioner dated 15.08.2018 can be processed by the respondent / / Electricity Board for giving domestic service connection to the building in question and needful can be undertaken by the respondent / / Electricity Board on receipt of NOC from the petitioner, within a period of 6 weeks thereafter.

8. With this direction the Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (Cr1.Side)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Superintendent Engineer,
Tamil Nadu Electricity Board (Supply),
Parvathipuram,
Nagercoil,
Kanyakumari District.
2. The Junior Engineer,
Tamil Nadu Electricity Board (Supply),
Parvathipuram,
Nagercoil,
Kanyakumari District.

+1 CC to M/s.S.MAHALAKSHMI, Advocate SR-81622.
+1 CC to SPL GP SR-82194.

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