



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

W.P. (MD).No.5331 of 2018

WEB COPY

Pakkir Mohammed

.. Petitioner

Vs.

The Joint Engineer,  
Diistribution/Urban - 1,  
TANGEDCO,  
Melapalayam,  
Tirunelveli.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus directing the respondent to give electricity supply to the petitioner's house and shop in Door No.1E, 2E, 3E, 4E, 5E are situated in Kattu Sekkadi 1<sup>st</sup> Street, situated at Ward 4, Block 3, Melapalayam, Palayamkottai Taluk, Tirunelveli District as per applications vide C.086/15-16, dated 13.07.2015 and C.087/15-16, dated 13.07.2015 based on the petitioner's representation, dated 22.02.2018.

For Petitioner : Mr.T.Selvan

For Respondents : Mr.G.Kasinatha Durai

**ORDER**

This writ petition has been filed for issuance of Writ of Mandamus directing the respondent to give electricity supply to the petitioner's house and shop in Door No.1E, 2E, 3E, 4E, 5E which are situated in Kattu Sekkadi 1<sup>st</sup> Street, situated at Ward 4, Block 3, Melapalayam, Palayamkottai Taluk, Tirunelveli District as per applications vide C.086/15-16, dated 13.07.2015 and C.087/15-16, dated 13.07.2015 based on the petitioner's representation, dated 22.02.2018.

2.The petitioner sought for service connection to his house which is situated in Government Poramboke land. His application was returned with an observation by the respondent that the land belongs to Wakf Board and he has to obtain No Objection Certificate from the Wakf Board and document of proof of possession. Aggrieved over the same, the petitioner before this Court.

3.The learned counsel for the petitioner would contest that the land does not belong to the Wakf Board as it is declared in  
<https://hcprcscourtmd.judgery.in/Service/35> of 2011, dated 20.06.2017, as the land is



Government Poramboke and it does not belong to any Wakf. Therefore, the communication of the respondent that it belongs to Wakf Board is incorrect and they cannot insist the petitioner to get No Objection Certificate from the Wakf Board. On the other hand, as per regulation under 27(12) of Tamilnadu Electricity Distribution Code, on production of No Objection Certificate obtained from the concerned Officer of the Government of Tamilnadu i.e., not below the rank of Deputy Tahsildar of the Taluk and on production of Indemnity Bond, the power supply should be granted.

4.I have considered the submissions. If it is true that the land under occupation of the petitioner is a Government Poramboke land, the demand to produce No Objection Certificate from Wakf Board is not sustainable. The service connection shall be issued as per Regulation 27(12) of Tamil Nadu Electricity Distribution Code.

5.Therefore, considering the facts and circumstances, the petitioner is directed to produce No Objection Certificate obtained from the Tahsildar in respect of the Government Poramboke Land, in which he resides, as well as a Indemnity Bond as required by the Electricity Board along with other charges. On production of those document, the respondent shall consider the application of the petitioner for Electricity Service connection. The process shall be completed within a period of four weeks from the date of submission of the above said documents.

5.Accordingly, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

Sub Assistant Registrar(CS)

TM

+1 CC to M/s.T. SELVAN, Advocate ( SR-97900[F] dated 13/11/2019 )

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