



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P. (MD) No.21020 of 2019

and

W.M.P. (MD) .No.17622 of 2019

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T.K.Subramanian

... Petitioner

vs.

1.The Superintending Engineer,
TANGEDCO,
Madurai Distribution Circle,
Race Course Road, Madurai,
Madurai District.

2.The Executive Engineer (Distribution)
TANGEDCO,
West Metro
S.S.Complex,
AA Road, Arasaradi,
Madurai-16.

3.The Assistant Executive Engineer,
TANGEDCO,
Thirumangalam,
S.S.Complex, Usilampatti Road,
Thirumangalam,
Madurai District.

4.The Assistant Engineer (Town)
TANGEDCO,
Thirupparankundram,
Near Theppakulam,
Madurai Town District.

... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus, directing the respondent Nos.3 and 4 herein to provide electricity connection to the Kurunthadiyan Karuppanasamy Temple at Durga Nagar, Harveypatti in S.No.424/1, New Ward No.97, Thirupparankundram, Madurai District, wherein the petitioner is the Administrative Trustee.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mrs.M.Rajeswari for

Mr.S.M.S.Johny Basha

Standing counsel for TNEB



O R D E R

Mrs.M.Rajeswari, learned Standing Counsel, takes notice on behalf of the respondents.

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2.By consent of both sides, the writ petition is taken up for final disposal.

3.The petitioner seeks provision of electricity connection for the temple viz., Kurunthadiyan Karuppanasamy Temple, situated at Durga Nagar, Harveypatti in S.No.424/1, New Ward No.97, Thirupparankundram, Madurai District.

4.Admittedly, the temple is situate in a poromboke land, earmarked for temple. When the petitioner approached the respondents for provision of electricity connection, they insisted for No Objection Certificate from the Tahsildar. Hence, the present writ petition.

5.A reading of the **Regulation 27(12) of the Electricity Distribution Code, 2002** reads as under:

[“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.]”

6.As per the above regulation, any person, who is applying for electricity connection, shall obtain a No Objection Certificate from the Officer not below the rank of the Tahsildar and he should also execute an indemnity bond.

7.Since in the present case, the petitioner has not obtained No Objection Certificate in respect of a poromboke land, the respondents have refused to provide electricity connection.



8.Hence, considering the circumstances of the case, a direction is given to the petitioner to produce No Objection Certificate from the Tahsildar to the respondents/Electricity Board. On such production, the respondent is directed to provide electricity connection to the petitioner. It is made clear that the petitioner is liable to pay the charges, as provided under the Statute, to the respondents.

9.Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

Sub Assistant Registrar(CS)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-91134[F] dated 03/10/2019)

W.P. (MD) No.21020 of 2019
30.09.2019

vs

MK (21.10.2019) 3P 2C