



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 23.10.2019**

**CORAM:**

**THE HONOURABLE MR.JUSTICE M.GOVINDARAJ**

**W.P. (MD) No.6562 of 2016**

**WEB COPY**

Mr.P.Periyasamy

... Petitioner

vs.

1. The Executive Engineer,  
TANGEDCO  
Thanjavur.

2. The Executive Engineer,  
Water Source Department  
Kallannai Kalvai Kottam,  
Thanjavur.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorarified mandamus calling for the records of the 1st respondent pertaining to Ka.No.SePo/ETha/Tnj/ThoNuO:1/Ko:ViVa/ANo.433/15-16 dated 11.03.2016 and to quash the same and to direct the 1st respondent to provide electricity service connection to the petitioner's bore well situated in the land comprised in Survey No.11B/9 in Vallam Vadakku Sethi, Thanjavur Taluk.

For Petitioner : Mr.P.Sesubalan Raja

For Respondents : Mrs.M.Rajeswari for

Mr.S.M.S.Johny Basha,

Standing Counsel for R-1

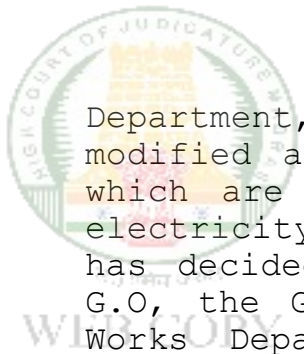
Mrs.J.Padmavathy Devi

Special Government Pleader for R-2

### **O R D E R**

This writ petition has been filed challenging the impugned order passed by the 1st respondent dated 11.03.2016 and to quash the same and to direct the 1st respondent to provide electricity service connection to the petitioner's bore well situated in the land comprised in Survey No.11B/9 in Vallam Vadakku Sethi, Thanjavur Taluk.

2.The petitioner is an agriculturist and for his lands in Sy.No.11B/9 in Vallam Vadakku Sethi, Thanjavur Taluk, he applied for electricity service connection in the year 2007. As per the then prevailing regulations, electricity connection will be given to the lands which is beyond 200 metres from the river or channel, in the year 2012, the Government issued G.O.Ms.192, Public Works



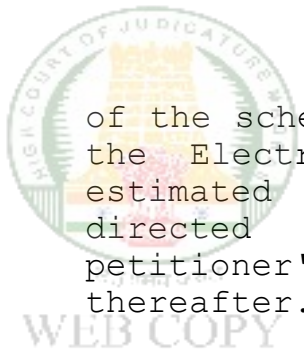
Department, dated 25.07.2012, in which, the Distance Rule was modified as '100 metres' in stead of '200 metres'. Those lands which are beyond 100 metres from the river are entitled to get electricity service connection and that the Public Works Department has decided to give electricity service connection. In the said G.O, the Government has further issued a direction to the Public Works Department to issue "No Objection Certificate" to those agriculturists for the year 2012-2013. The Public Works Department has also issued a No Objection Certificate on 11.01.2013 in respect of Survey No.11B/9 in Vallam Vadakku Sethi, Thanjavur Taluk, measuring 0.75 ares. When the petitioner approached the electricity department, they have issued the impugned order dated 11.03.2016, directing the petitioner to obtain a fresh No Objection Certificate exclusively as per G.O.Ms.192, Public Works Department, dated 25.07.2012. Aggrieved over the same, the petitioner is before this Court.

3.The petitioner admittedly registered himself for electricity connection in the year 2007 itself. He obtained "No Objection Certificate" from the Public Works Department on 11.01.2013 for 5 HP motor. As per G.O.Ms.192, Public Works Department, dated 25.07.2012, if the land is beyond 100 metres, the petitioner is entitled to get electricity service connection. Admittedly, the petitioner's land is situated 120 metres away from the river. Then, it is incumbent on the Electricity Department to provide electricity service connection and they cannot press for a fresh No Objection Certificate. The delay caused in giving electricity connection should be attributed to the electricity department and the petitioner cannot be faulted for the same. Therefore, the electricity department should provide electricity service connection to the petitioner, in the light of the No Objection Certificate issued by the Public Works Department dated 11.01.2013 without insisting for any other fresh certificates or documents.

4.The learned counsel for the respondent would submit that the petitioner has to pay the scheme cost and the material costs. The petitioner has registered himself under Rs.50,000/- scheme self financing and he has already paid a sum of Rs.500/- along with the application. Remaining sum of scheme cost and material cost for providing electricity service connection should be paid by the petitioner and if that condition is complied with, the Electricity Department shall provide service connection to the petitioner's land.

5.It is pertinent to note that the petitioner has dug a borewell in the year 2007 and obtained a No Objection Certificate and waiting for the past 12 years, without electricity service connection.

6.Considering the above facts and circumstances of the case, a <https://hccservicescourts.gov.in/hccservices/> direction is given to the petitioner to deposit the balance amount



of the scheme cost within one week from the date of demand made by the Electricity Department, apart from the material costs as estimated by them. On such deposit, the first respondent is directed to provide electricity service connection to the petitioner's land for 5 HP motor within a period of 4 weeks thereafter.

7.In fine, the impugned order dated 11.03.2016 is set aside and the writ petition is ordered to the extent as indicated above. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS )

To

1. The Executive Engineer,  
TANGEDCO  
Thanjavur.
2. The Executive Engineer,  
Water source Department  
Kallannai Kalvai Kottam,  
Thanjavur.

+1 CC to MR.P.SESUBALAN RAJA, Advocate ( SR-94515[F] dated 25/10/2019 )

**W.P. (MD) No.6562 of 2016**  
**23.10.2019**

**VS**

MK (11.11.2019) 3P 4C