



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.13979 of 2010

1. A.Boopathi
2. C.Perumal
3. C.Mannikkam
4. R.Sakthivel
5. P.Thankaraj
6. S.Angamuthu
7. Veeramuthu
8. Muthiyan

... Petitioners

Vs

1. The Executive Engineer,
Tamilnadu Electricity Board,
Valapadi,
Namakkal District.
2. Assistant Engineer,
Thimmanickinpatti,
Namakkal District.
3. District Forest Officer,
Mohanur Road,
Namakkal District.

...Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the 2nd respondent in reference ka.No.Vu.Po/EPa/Thi.na.patti/Sou. Unsurvey/Ka 473/10 dated 05.03.2010 and quash the same and directing the respondents 1 and 2 to give electricity service connection for agricultural purpose and for installing an electric motor and pump set in the well situated in the agricultural land measuring 1.20.0 acrs (3.00 acres) to the respective petitioners land in Block II FSC-1224, Mathuruttu Village, Rasipuram Taluk, Namakkal District.

For Petitioners : Mr.G.Vasudevan
For Mr.S.Kadarkarai

For Respondents : Mr.Jai Venkatesh for TANGEDCO
For R1 & R2.



Mr.E.Vijay Anand,
Additional Government Pleader (Forest),
For R3.

O R D E R

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The order dated 05.03.2010, declining the request of the petitioners for providing agricultural electricity service connection is under challenge in the present writ petition.

2. As per the submission of the learned counsel for the respondents, the subject property was already declared as a reserved forest by way of notification dated 12.05.1954.

3. The learned counsel for the respondents further contended that the petitioners seeks agricultural electricity service connection in respect of the forest land and in certain cases, 'No Objection Certificate' issued were under challenge and the Department will succeed in respect of the petitioners' appeals which are still pending and unless those appeals are disposed of, the case of the petitioners cannot be considered.

4. The learned counsel for the petitioners objected the said contention by stating that the subject property was not at all declared as a forest land and it is a patta land. It is further contended that there was no impediment for providing service connection and in the event of any order against the petitioners, then all appropriate actions have been taken by the Electricity Board Authorities.

5. This Court is of the considered opinion that such disputed issue cannot be adjudicated in writ proceedings and as the notification was issued in the year 1954 and the subject property was declared as reserved forest, all these factual disputes are to be resolved by way of an adjudication and the present writ petition is filed only to quash the order passed by the Electricity Board Authority, declining the request of the petitioner for providing agricultural electricity service connection. Thus, the petitioners have to obtain all necessary approvals, no objections etc., from the competent authorities and after establishing the ownership, proper application is to be filed seeking agricultural electricity service connection. Once the relevant records are submitted before the Electricity Board Authorities, the Authorities are bound to consider the same by following the procedures as contemplated.

6. Under these circumstances, it is left to the petitioners to get all the necessary no objection certificate, documents or otherwise from the competent authority and submit the same for consideration before the Electricity Board



Authorities in the manner prescribed.

7. With these Observations, this Writ Petition stands disposed of. No costs.

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Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

kmm

To

1. The Executive Engineer,
Tamilnadu Electricity Board,
Valapadi,
Namakkal District.
2. The Assistant Engineer,
Thimmanickinpatti,
Namakkal District.
3. The District Forest Officer,
Mohanur Road,
Namakkal District.

+lcc to Mr.S.Kadarkarai, Advocate, S.R.No.66192
+lcc to the Government Pleader,Forest S.R.No.66782

W.P.No.13979 of 2010

SRA(CO)
CT 07/01/2022