

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2021

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.11304 of 2021

V.Natarajan

..Petitioner

.Vs.

- 1.The Superintending Engineer,
Thiruvannamalai District,
Tamil Nadu Electricity Board,
Vengikal,
Thiruvannamalai-606 604.
- 2.The Executive Engineer,
Thiruvannamalai East Division,
Tamil Nadu Electricity Board,
Vengikal,
Thiruvannamalai-606 604.
- 3.The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
Mangalam-606752,
Tiruvannamalai Taluk and District.
- 4.The Junior Engineer,
Designated Engineer, AEO & M,
Tamil Nadu Electricity Board,
Mangalam 606752,
Tiruvannamalai Taluk and District.

5.The Commercial Inspector,
Tamil Nadu Electricity Board,
Mangalam-606752,
Tiruvannamalai Taluk and District.

6.The Revenue Tahsildar,
Tiruvannamalai Taluk,
Anna Salai,
Tiruvannamalai District 60660.

..Respondents

[R6 impleaded vide order dt.20.07.2021
made in WMP No.14746/2021 in
WP.No.11304/2021 By DKKJ)

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents to provide domestic electricity connection to my newly constructed house bearing Door No.1344/A, in the land bearing Patta No.2910 comprised in Survey No.59/1C of Kedathangal Village Mangalam Post, Tiruvannamalai Taluk and District based on my online application vide reference No.200023060321117 dated 0503.2021 uploaded in the TANGEDCO website and also to refund the sum of Rs.2818/- paid through online Application vide reference No.200023061020467 dated 23.10.2020.

For Petitioner : Mr.D.Srinivasan
for Mr.S.Giritharan

For Respondents : Mr.L.Jai Venkatesh
Standing Counsel
fr R 1 to R 5
Mr.U.Baranidharan
Government Advocate
for R 6

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the respondents to act upon the online application submitted by the petitioner and to provide domestic electricity supply to the house constructed by the petitioner .

2.The case of the petitioner is that he is the absolute owner of the subject property by virtue of a registered sale deed dt.21.05.2001. The further case of the petitioner is that patta has also been issued in his favour in Patta No.2910. The petitioner constructed a house in the property and he also applied for electricity connection. The grievance of the petitioner is that the electricity service connection has not been provided to the petitioner and the petitioner is being made to run from pillar to post only due to the pressure exerted by the adjacent owner of the property. Therefore, left with no other option, the present writ petition has been filed before this Court seeking for appropriate directions.

3.The learned counsel for the petitioner submitted that all the relevant documents have been submitted and atleast three applications have been made seeking for electricity connection and none of these applications were acted upon. The learned counsel further submitted that even patta stands in the name of the petitioner in Patta No.2910 and the same clearly establishes that the petitioner is in possession of the property and inspite of the same, there is hesitation on the part of the respondents from giving the electricity connection.

4.Per contra, Mr.L.Jai Venkatesh, learned Standing Counsel appearing on behalf of the respondents 1 to 5, submitted that an inspection was conducted by the officials belonging to the electricity board and there was a doubt with regard to the property over which the construction has been made and hence a certificate was sought for from the VAO, Mangalam and the VAO after inspection, has submitted a report to the effect that the petitioner has constructed a building in a Government poramboke land. The learned Standing Counsel further submitted that the petitioner was informed about the same and he was asked to get a No Objection Certificate from the Tahsildar. Since the petitioner did not get the No Objection Certificate, the respondents were

not able to give the service connection to the petitioner. Therefore, the learned Standing Counsel submitted that there are absolutely no merits in this writ petition and accordingly, the same is liable to be dismissed by this Court.

5.This Court has carefully considered the submissions made on either side and the materials available on record.

6.This Court does not want to go into the issue as to whether the petitioner has put up the construction in his patta land or whether it has been put up in a Government poramboke land. If it has been put up over a Government poramboke land, it is not known as to how a patta came to be issued in favour of the petitioner in Patta No.2910. This patta has been issued by the Revenue Authorities. The stand taken by the respondents is to the effect that the VAO has given a report stating that the construction has been put up in a Government poramboke land. It is the very same VAO, who has also given a certificate in favour of the petitioner stating that the building has been constructed in a patta land.

7.This Court is convinced with the *prima facie* materials that have been placed viz., the registered sale deed executed in favour of the petitioner, patta issued in favour of the petitioner, certificate issued in favour of the petitioner by the VAO and also the house tax receipt that has been issued in the name of the petitioner. All these materials are enough to provide electricity service connection to the building that has been constructed by the petitioner.

8.Even assuming for the sake of argument that the building has been put up in a poramboke land, this Court has repeatedly held that even an encroacher is entitled for electricity service connection after placing reliance under Clause 27(4) of the The Tamil Nadu Electricity Distribution Code. Therefore, even assuming that the building has been put up in a poramboke land, the petitioner even then will be entitled for the electricity service connection.

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9.In view of the above, there shall be a direction to the 3rd respondent to act upon the application submitted by the petitioner on 23.10.2020 and provide electricity service connection to the petitioner. It will be left open to the 3rd respondent to take an indemnity bond from the

petitioner if in case, there is any objection from the revenue. This process shall be completed by the 3rd respondent within a period of four weeks from the date of receipt of copy of this order.

10.The petitioner is directed to make a fresh representation to the 3rd respondent along with a copy of this order.

11.This writ petition is disposed of with the above directions. No costs.

03.08.2021

Internet : Yes

Index : Yes/No

Speaking Order / Non Speaking Order

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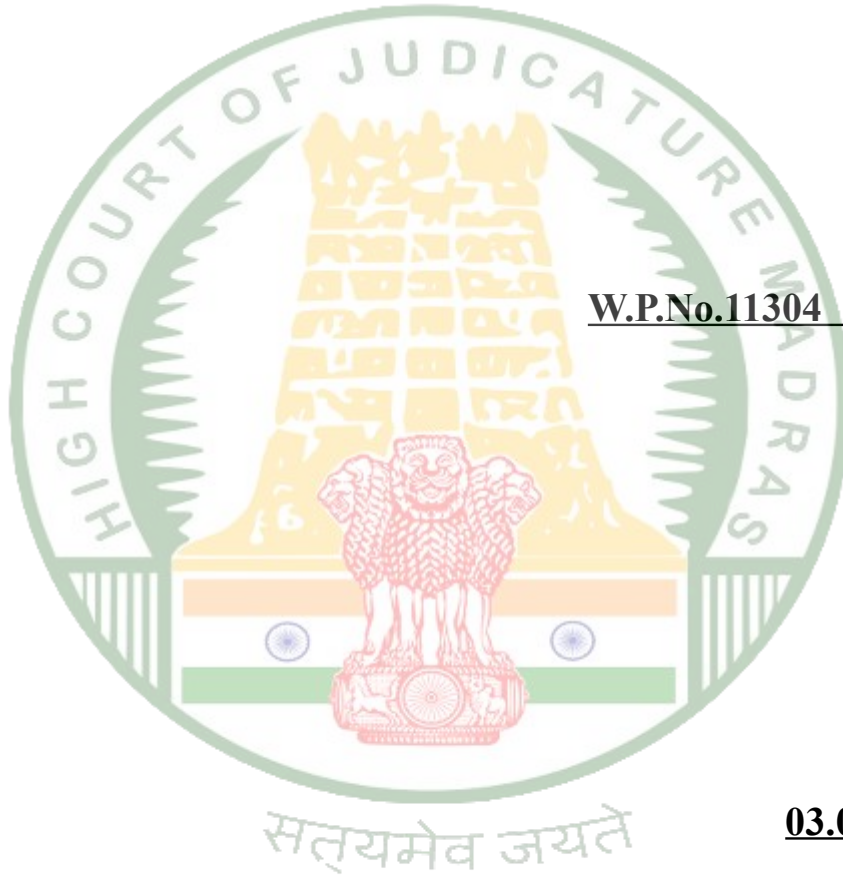
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N. ANAND VENKATESH, J.

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