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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2021

CORAM:

THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

W.P. No. 17233 of 2021

and

WMP No. 18240 & 18241 of 2021

A.Lakshmiammal

...Petitioner

Vs.

1. The Chairman
TANGEDCO
Tamil Nadu Generation and Distribution
Corporation Limited
144 Anna Salai, Chennai.
2. The Assistant Engineer/O & M
Arani Town/North
TANGEDCO
Tamil Nadu Generation and Distribution
Corporation Limited,
Arani, Tiruvannamalai District.
3. The Tahsildar,
Arani Taluk Office,
Arani
Tiruvannamalai District.

...Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the 2nd respondent in Ka.No.Assistant Electrical Engineer/E&Pa/Town North/Arni/Ko./No.234/19-20 dated 20.11.2019 and quash the same as illegal and consequently direct the respondents 1 and 2 to provide electricity service connections to the house bearing No.263/4 Chanthirakulam Street, Gandhi Road, Arani, Tiruvannamalai District.

For Petitioner : M/s.D.Saraswathi



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For Respondents : Mr.L.Jaivenkatesh for R1 & R2
Standing counsel
Mr.A.Selvendran for R3

O R D E R

This writ petition has been filed challenging the proceedings of the 2nd respondent dated 20.11.2019 and for a consequential direction to the respondents to provide electricity service connection to the residential house of the petitioner.

2.The case of the petitioner is that he has constructed a residential house in a poramboke land. The property is also assessed to property tax and the petitioner is in possession and enjoyment of the property for a long time. The petitioner applied for electricity service connection to the second respondent. The second respondent through the impugned proceedings dated 20.11.2019 directed the petitioner to get a No Objection Certificate from the Tahsildar in order to consider the application made by the petitioner for providing service connection. Aggrieved by the same, the present writ petition has been filed before this Court.

3.Heard the learned counsel for the petitioner, learned standing counsel for the respondents 1 and 2 and the learned Government Advocate appearing for the third respondent.

4.The issue involved in the present writ petition is covered by the earlier orders passed by this Court under similar circumstances. One such order was passed in W.P.No.6216/2018 dated 28.03.2018. The relevant portions in the order are extracted hereunder:

"3. The learned counsel for the petitioner submitted that the petitioner is having school going children. Therefore, he contended that the basic amenity of electricity supply should be provided to the petitioner, notwithstanding the fact that the petitioner is said to be residing in the Government Poramboke land. He further submitted that the petitioner is ready and willing to furnish an indemnity bond to the electricity department, specifically, stating that the petitioner will not claim any right or



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petitioner after taking necessary indemnity bond from him. Such exercise shall be done by the respondents 1 and 2 within a period of three weeks from the date of receipt of a copy of this order. The petitioner shall co-operate with the respondents 1 and 2, by furnishing all necessary documents and fees and also by executing the indemnity bond as stated supra. It is also made clear that the petitioner shall not seek any equity, by taking advantage of this order, after getting electricity supply as and when a decision is taken by the concerned Revenue department. No costs. Consequently, connected miscellaneous petition is closed."

5. In the present case, the possession of the property is not in dispute and the only issue seems to be that the petitioner has put up the property in a poramboke land. This Court has consistently held that even for such a construction, the occupier of the property will be entitled for a service connection subject to fulfilling the conditions provided under the Distribution Code. The second respondent has insisted that the petitioner will have to get a no objection certificate from the Tahsildar in order to process the application submitted by the petitioner. The petitioner is not able to get a no objection certificate, since no revenue authority will give any such certificate.

6. Taking into consideration the facts and circumstances of the case and the consistent view that has been taken by this Court in cases of this nature, there shall be a direction to the petitioner to give an affidavit of undertaking before the third respondent to the effect that she will not claim any equity by virtue of the service connection given to her by the Electricity Board and that she will vacate and hand over the property as and when any proceedings are initiated for eviction by the revenue authorities. On such affidavit being given by the petitioner, the third respondent shall issue a no objection certificate to the petitioner. This process shall be completed by the third respondent within a period of one week from the date of submitting the sworn affidavit by the petitioner. Thereafter, the petitioner shall hand over the no objection certificate to the second respondent along with the indemnity bond and fulfil all the other requirements. The second respondent shall thereafter provide electricity service connection to the petitioner within a period of two weeks thereafter.



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7. This writ petition is allowed with the above directions. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS-V)

//True copy//

Sub Assistant Registrar

RR

To

1. The Chairman
TANGEDCO
Tamil Nadu Generation and Distribution
Corporation Limited
144 Anna Salai, Chennai.
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Tamil Nadu Generation and Distribution
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3. The Tahsildar,
Arani Taluk Office,
Arani, Tiruvannamalai District.

+1cc to Mr.K.Sasindran, Advocate SR.No.41385

+1cc to Mr.L.Jaivenkatesh, Advocate SR.No.42012

+1cc to Government Pleader SR.No.41733

W.P.No. 17233 of 2021

VG-II (CO)
SU (16/09/2021)