



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2021

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P. NO.17766 OF 2019

V.Pavunu

...Petitioner

.Vs.

1. The Assistant Executive Engineer,
Operations & Maintenance,
Tamilnadu Generation and Distribution Corporation Limited,
Tiruporur - 603 110.
2. The Executive Engineer,
Tamilnadu Generation and Distribution Corporation Limited,
Tiruporur - 603 110.
3. The Tamilnadu Generation and Distribution Corporation Limited,
Chengalpattu Electricity Distribution Circle,
Tiruporur - 603 110,
Kancheepuram District.
4. The Deputy Tahsildar,
Tiruporur,
Kancheepuram District.

...Respondents

PRAYER:

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order in Ka.No.oosay.Po/E.Pa/Thirupp/Vaa.Aa/Ko. Manu/ Aa No.326/2019 dated 06.03.2019 and also Ka.No. oosay.Po/E.Pa/ Thirupp/Vaa.Aa/Ko. Manu/Aa No. 346/2019 dated 19.03.2019, passed by the first respondent and quash the same and consequently, directing the First to Third respondent to provide the Electricity Service connection to plot bearing Site No.104, M.G.R. Nagar, Thiruporur, Kancheepuram District, comprised in S.No.265, within the time frame fixed by this Court.



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For Petitioner : Ms.S.Mahalakshmi
For Respondents : Mr.L.Jai Venkatesh
Standing Counsel for R1 to R3
Mr.A.Selvendiran
Standing Counsel for R4

O R D E R

This writ petition has been filed challenging the impugned communication dated 06.03.2019 & 19.03.2019 of the 1st respondent and for a consequential direction to the respondents to provide electricity service connection to the petitioner for the subject property.

2.The case of the petitioner is that he is in possession and enjoyment of the subject property and he has put up a small hut in the property. The petitioner made a representation to the respondents seeking for electricity service connection. The 1st respondent informed the petitioner that he should get a No Objection Certificate from the Deputy Tahsildar. Aggrieved by the same, the present writ petition has been filed before this Court.

3.The 2nd respondent has filed a counter affidavit. It is seen from the counter affidavit that the subject property has been categorized as a Government Poramboke. Therefore, the 2nd respondent has taken a stand that based on Regulation 27(12) of the Tamil Nadu Electricity Distribution Code, such a No Objection Certificate is mandatory. It is further stated that once such a No Objection Certificate is given by the petitioner, the application made by the petitioner will be considered.

4.Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondents.

5.In the present case, the petitioner is said to be in possession and enjoyment of a poramboke land. Accordingly, the respondents are insisting for a No Objection Certificate from the Deputy Tahsildar.

6.Taking into consideration the facts and circumstances of the case and the earlier orders passed by this Court in this regard, there shall be a direction to the petitioner to file an undertaking affidavit before the Deputy Tahsildar, Tirupurur to the effect that the petitioner will not claim any right over the property and that the petitioner will not take advantage of the service connection, if any eviction proceedings are initiated to remove the encroachments. Immediately on receipt of this



undertaking affidavit, the 4th respondent is directed to provide the No Objection Certificate to the petitioner. The petitioner shall thereafter submit an application along with the No Objection Certificate given by the 4th respondent and also the undertaking affidavit that was given before the 4th respondent and the 1st respondent shall process the application in accordance with Regulation 27(4) of the Electricity Distribution Code by getting appropriate indemnity bond and the service connection shall be effected. This process shall be completed, within a period of four weeks from the date of submission of the application by the petitioner.

7. This writ petition is disposed of with the above direction. No Costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Assistant Executive Engineer,
Operations & Maintenance,
Tamilnadu Generation and Distribution Corporation Limited,
Tiruporur - 603 110.
2. The Executive Engineer,
Tamilnadu Generation and Distribution Corporation Limited,
Tiruporur - 603 110.
3. The Tamilnadu Generation and Distribution Corporation Limited,
Chengalpattu Electricity Distribution Circle,
Tiruporur - 603 110,
Kancheepuram District.
4. The Deputy Tahsildar,
Tiruporur,
Kancheepuram District.

+1cc to the Government Pleader, S.R.No.50898

W.P. No.17766 of 2019

PA(CO)
PM/27/10/2021