



WEB COPY



WP.No.26134 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.26134 of 2021

North K.P.K.Nagar Residence Public Welfare Association,
Reister No.342/2021
Represented by its President,
Mr.N.Sanjeevi
S/o.Narasimhan
No.34, First Street, North KPK Nagar,
Kottivakkam, Chennai-41.

.. Petitioner

Vs.

1. The Secretary to Government,
Prime Minister Office,
South Block, Raisina Hill, New Delhi-110 011.

2. The Tahsildar,
Shozhinganallur Taluk Office,
Shozhinganallur, Chennai.

3. The Executive Engineer/O&M/IT Corridor,
TNEB, No.110 KV Tidel Park,
SS Complex,
CSIR Road, Chennai 113.

4. The Assistant Executive Engineer (AD)
TNEB, No.110, KV Tidel Park,
SS Complex,
CSIR Road, Chennai 113.



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5. The Assistant Engineer (AE)
TNEB, No.110, KV Tidel Park,
SS Complex,
CSIR Road, Chennai 113.

6. The Village Administrative Officer,
ECR Main Road, Palavakkam, Chennai-41.

7. K.P.Kandan ..Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, call for the records of the second respondent and to quash the impugned order in Na.Ka.No.2749/2021/Aa2 dated 25.10.2021 passed by the second respondent also direct the second respondent to give no objection certificate (NOC) to the petitioner association members through representation letter dated 04.08.2021 for electricity connection to the petitioner area residents.

For Petitioner : Mr.A.Ramesh Manikandan

For Respondents : Mrs.C.Sangamithirai,
Special Government Pleader R2 & R6
Mr.A.Prakash R1
Central Government Standing Counsel
Mr.L.Venkatesh R3 to R5
Standing Counsel



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ORDER

The petitioner has filed this petition to issue a writ of Certiorarified Mandamus, call for the records of the second respondent and to quash the impugned order in Na.Ka.No.2749/2021/Aa2 dated 25.10.2021 passed by the second respondent also direct the second respondent to give no objection certificate (NOC) to the petitioner association members through representation letter dated 04.08.2021 for electricity connection to the petitioner area residents.

2. The case of the petitioner is that the petitioner association including that area people were initially resided in Veeranam Kalvai area since 1982. During the year 2000, the Government have acquired the land for extending the road project and allotted alternative land where the people are now residing. Initially, the Electricity connection has given to the said area people. Later the same was disconnected. Hence, the petitioner association and the area people have made several representations to the respondents. On 25.10.2021, the second respondent has rejected the petitioner's claim. Since the same was not considered so far, the petitioner has filed the present



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writ petition before this Court.

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3. The learned counsel for the petitioner submitted that the revenue officials only have allotted the land to the people where they are now residing. But the TNEB officials have not given electricity connection to them. It is mandatory to get the no objection certificate from the second respondent to get the electricity connection, for which, the petitioner association and the area people sent several representations to the respondents. But, the second respondent refused to give no objection certificate vide proceedings dated 25.10.2021, which is not sustainable one. Hence, this Court may quash the said proceedings and allow this writ petition.

4. The learned special Government Pleader appearing for the respondents submitted that the the lands, in which the petitioner sought for NOC, are classified as Government poromboke land. This Court has repeatedly held that when the land is classified as government poromboke land, there is no power to give NOC to the said land. Hence, the learned



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counsel prays to dismiss the present petition.

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5. Heard both sides and perused the materials available on record.

6. Admittedly, the Government acquired land for road extension project and allotted land for 500 persons to KPK Nagar, which is Government poromboke land. Out of 505 persons, 475 persons were given NOC certificate and got electricity connection. Due to non issuance of NOC, the petitioner and the area people have not obtained electricity connection and they are residing for nearly 21 years. However, the second respondent has rejected the claim of the petitioner and refused to give NOC to them.

7. As per the submission of the learned Special Government Pleader, when the land is classified as Government poromboke land, the NOC cannot be given. Where such NOC could not be produced, the applicant for getting electricity service connection will not be given. Therefore, the second respondent has rightly rejected the claim made by the petitioner and this Court cannot issue any positive direction to the second respondent to issue



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NOC in favour of the petitioner's association and this Court is not inclined to quash the impugned order passed by the second respondent. This Court only can grant a liberty to the petitioner to work out their remedy before the concerned authority for re-classification of the government poromboke land.

8. In the result, this Writ Petition is dismissed. No costs.

09.12.2021

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

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2. The Tahsildar,
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