



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.26703 of 2019

Vasanthi

... Petitioner

Vs.

1.The Chairman,
Tamil Nadu Generation and Distribution Corporation,
(TANGEDCO)
144, Anna Salai,
Chennai 600 002.

2.The Assistant Engineer,
TNEB, Nappalayam,
Chennai 103.

3.The Chairman,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Triplicane, Chennai 5.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to provide domestic electricity connection to the petitioners property vide application dated 29.07.2019.

For Petitioner : Mr.Venkatesaperumal
For RR1 and 2 : Mr.L.Jai Venkatesh
Standing Counsel (TNEB)
For RR3 : Mr.S.Prabhu

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the second respondent to provide domestic electricity connection to the petitioners property vide application dated 29.07.2019.

2. The case of the petitioner is that the property situated in S.F.NO.311/1, Edayanchavadi II, Ponneri Taluk, Thiruvallur District is classified as Village Natham and from the year 2001, the petitioner and his family were living in the said property



by constructing a small shed and in recognition of his possession, the VAO of the said Village has given residential certificate for his lawful occupation. The petitioner is having two children studying in Government School and without electricity supply, their education is affected. Hence the petitioner applied for domestic electricity connection with the 2nd respondent by giving all necessary proof. However the 2nd respondent returned his application stating that only if an NOC is obtained from the Tamil Nadu Slum Clearance Board or Court Order, the electricity connection can be established in his property. Aggrieved by the said rejection order, the petitioner is constrained to approach this Court by filing this Writ Petition.

3. The learned counsel appearing for the petitioner submitted that on an RTI application the Slum Clearance Board has admitted that vast extent of lands in Manali New Town was originally acquired from CMDA in various survey fields of the said Village. However after perusal of the copy of the said acquisition proceedings, it is evident that S.F.NO.311/1 is not at all covered or acquired under the acquisition of the TNSCB authorities and hence the rejection letter issued by the 2nd respondent is false. Further the petitioner has produced all relevant documents including the Residential Certificate issued by VAO in favour of the petitioner. In spite of that the 2nd respondent has failed to consider the claim of the petitioner for electricity service connection and hence prays for appropriate orders.

4. The learned Standing Counsel appearing for the respondents 1 and 2 submitted that the petitioner is not the owner of the land and he is the encroacher of the land, which are reserved for commercial purposes by CMDA in Manali New Town Scheme approved by CMDA and he is not authorised to apply for electricity connection for the land as the petitioner is not the owner of the land. The property in S.F.No.311/1 is not classified as Gramanatham as stated by the petitioner, the land is part of the land acquired by CMDA for formation of Manali New Town Scheme from one Ellappa Naicker, who is the original owner of the land in question and others as per Settlement Register of Edayanchavadi Village and the compensation award was passed in favour of the said person vide award No.2/75 and the petitioner is trying to get electricity connection by producing forged documents and hence prays for dismissal of this petition.

5. This Court has carefully considered the rival submissions and also perused the materials available on record.

6. The facts in the present case is not in dispute. Admittedly the petitioner claims that he is the owner of the



above said property and is in occupation of the said property, for which he has obtained Residential Certificate from VAO and thereby claims for electricity service connection. Though the petitioner has obtained Residential Certificate from VAO, the fact remains that VAO has no power to issue such certificate and in the absence of such power, the petitioner cannot claim any right over the property with the aid of the Residential Certificate. Further the land belongs to CMDA by way of acquisition from the respective owners for the development of Manali New Town Project and the land is transferred from CMDA to Slum Clearance Board to subsidize the EWS scheme taken up in the area by way of commercial development in the land and therefore, since the petitioner is not the owner of the land as the same is reserved for commercial purpose and he is an encroacher of Government land, the request for EB Connection cannot be considered.

7. For the reasons aforesaid, this writ petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

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To

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3.The Chairman,
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No.5, Kamarajar Salai,
Triplicane, Chennai 5.

+1cc to Mr.L.Jaivenkatesh, Advocate, S.R.No.64953
+1cc to Mr.S.Prabu, Advocate, S.R.No.65082

W.P.No.26703 of 2019

UM(CO)
CB(04/02/2022)