

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2021

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.No.27164 of 2017

(Through Video Conferencing)

Ponnusamy

... Petitioner

Vs.

1. The Executive Engineer (O and M),
TANGEDCO,
Pookollai Road, Mannarkudi Town,
Nagapattinam District.

2. The Junior Engineer,
TANGEDCO,
Vadapathymangalam,
Needamangalm, Thiruvavur.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st and 2nd respondents to forthwith consider the claim of the petitioner for grant of agricultural electricity service connection by accepting the No Objection Certificate already submitted on the basis of representation dated 08.09.2017.

For Petitioner : Mr.L.Chandrakumar
For Respondents : Mr.P.Gunaraj

ORDER

This Writ Petition has been filed to issue a writ of mandamus to direct the respondents to forthwith consider the claim of the petitioner for grant of agricultural electricity service connection by accepting the "No Objection Certificate" already submitted by him on the basis of representation dated 08.09.2017.

2. The petitioner had filed an application dated 25.05.2010 for electricity connection for his agricultural land. An inspection was conducted by the respondents. The first respondent, thereafter, by a letter dated 28.06.2010, directed the petitioner to obtain a "No Objection Certificate" from the Executive Engineer, P.W.D. Pursuant to the same, the petitioner obtained a "No Objection Certificate" from the Executive Engineer, P.W.D on 14.12.2012.

3. However, the application was rejected on the ground that the petitioner should have obtained "No Objection Certificate" in terms of the G.O.Ms.No.1941, Public Works Department, dated 07.07.1965, but the petitioner obtained the same in terms of the G.O.Ms.No.192, Public Works Department, dated 25.07.2012.

4. The petitioner thereafter sent a representation dated 08.09.2017 to consider his application for grant of electricity connection to his agricultural land. The learned counsel for the petitioner submitted that the respondents had not provided the electricity connection though 11 years have been lapsed since the application was originally filed for the electricity connection to petitioner's agricultural land.

5. Though the learned counsel for the respondents defends the conduct of respondent by stating that the petitioner is required to obtain "No Objection Certificate" in terms of the G.O.Ms.No.1941, Public Works Department, dated 07.07.1965, copy of the same is not available. No counter has been filed.

6. In any event, the application has to be processed in accordance with law. The respondents are therefore directed to process the application of the petitioner and pass appropriate orders on merits and communicate the same to the petitioner. In case the petitioner is entitled for electricity connection based on the "No Objection Certificate" obtained in terms of the G.O.Ms.No.192, Public Works Department, dated 25.07.2012, such connection may be granted to the petitioner without further delay. If the respondents cannot process the application with the No Objection Certificate obtained by the petitioner, the petitioner may be informed about the same along with the copy of the said G.O.Ms.No.1941, Public Works Department, dated 07.07.1965. This exercise shall be carried out by the respondents within a period of three months from the date of receipt of a copy of this order.

7. This Writ Petition stands disposed of with the above observations. No cost.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

jen

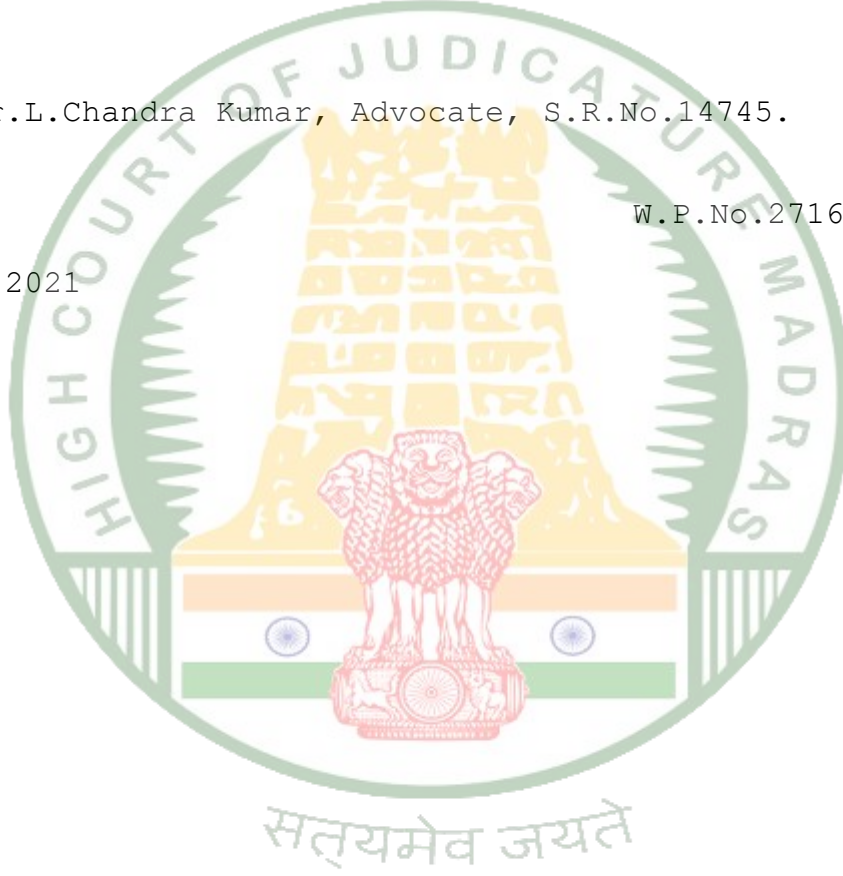
To

1. The Executive Engineer (O and M),
TANGEDCO,
Pookollai Road, Mannarkudi Town,
Nagapattinam District.
2. The Junior Engineer,
TANGEDCO,
Vadapathymangalam,
Needamangalm,
Thiruvavarur.

+1cc to Mr.L.Chandra Kumar, Advocate, S.R.No.14745.

W.P.No.27164 of 2017

PMK(CO)
CSR 01.04.2021



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