



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD)No.8130 of 2021

(Through Video Conferencing)

WEB COPY

M.Kumaravel

... Petitioner

Vs.

1.The Assistant Engineer (O&M)

Tamil Nadu Generation and Distribution Operation (TNEB)

Somarasampettai

Trichy District.

2.The Executive Engineer,

Tamil Nadu Generation and Distribution Operation (TNEB)

Mannarpuram

Trichy District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondents to provide domestic electricity service connection to the petitioner's house at Main Road, Pallakadu Village, Adhavathur Panchayat, Trichy District pursuant to the application of the petitioner registration No.17/18-19 dated 10.10.2018 and compliance to the proceedings in க.எண்.உ.மி.பொ/இ.கா/சோ பேட்டை/கோ.மனு/அ.எண்226 நாள் 07.11.2018 without insisting for no objection certificate from Ma.Pa.Chinnadurai, President, Tamizhaga Vivashaya Sangam.

For Petitioner

:Mr.V.Ilanchezian

For Respondents

:Ms.M.Rajeswari

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the respondents to provide domestic electricity connection to the house of the petitioner by considering the application submitted by the petitioner on 10.10.2018 without insisting for a no objection certificate from Tamilnadu Vivasayigal Sangam.

2. The case of the petitioner is that he is the owner of the subject property at S.NO.178/4B and a patta has also been given in favour of the petitioner and two others. The further case of the petitioner is that he constructed a house in the year 2015 and applied for domestic electricity connection along with the necessary charges.



3. The grievance of the petitioner is that the respondents were insisting for getting a no objection certificate from Tamil Vivasayigal Sangam. According to the petitioner, this Sangam has nothing to do with the subject property and therefore there is no requirement to get a no objection certificate. Hence, the present writ petition has been filed before this Court seeking for appropriate directions.

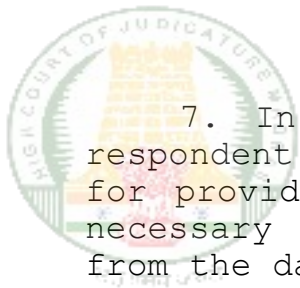
4. The first respondent has filed a counter affidavit in this case. The relevant portions in the counter affidavit are extracted hereunder:

"3.I respectfully submit that the petitioner applied new service connection on 10.10.2018. The new service needs to extension work ie., by new erection of two poles. At the time of spot inspection third parties objected for providing new supply. Then received objection letter from one Ma.Pa.Chinnadurai who is President of Tamizhaga Vivashaya Sangam.

4.I respectfully submit that after receipt of objection the petitioner was insisted to clear objection as stated above. The petitioner did not choose to reply the same. The petitioner application was cancelled on 22.01.2019. Thereafter objection letter from Block Development Officer, Manikandam received on 11.11.2019 by stating that old S.F.No.168/1, New S.F.No.179/1 admeasures 19.85 Acres land belonging to Manikandam Panchayat for charity purpose. There is land dispute between third parties and BDO, Manikandam case is pending before this Honourable Court in C.M.P.(MD) No.SR19004 of 2019 in WA (MD) No.SR19001 of 2019. The Honourable Court has granted interim stay on 30.04.2019 by referring the Honourable Court order the BDO, Manikandam requested not to provide new service connection to encroachers including the present petitioner also."

5. The learned counsel for the petitioner brought to the notice of this Court the proceedings of the District Revenue Officer, Tiruchirappalli, dated 01.02.2018 and it became a subject matter of challenge in W.P.(MD)No.3185/2018 and which is now pending before the Division Bench at the stage of writ appeal. On going through the records, it is seen that the subject matter in those proceedings pertains to the lands in S.No.168/1 and new S.No.179/1 measuring an extent of 8.57 acres.

6. In the present case, this Court is concerned with the S.No.178/4B. This is an independent property belonging to the petitioner over which the Sangam cannot have any say and therefore, in the considered view of this Court, there is no requirement to get a no objection certificate from the Sangam.



7. In the result, there shall be a direction to the first respondent to process the application submitted by the petitioner for providing electricity connection and if the same is in order, necessary connection shall be given within a period of four weeks from the date of receipt of a copy of this order.

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8. The writ petitioner is accordingly allowed. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RR

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Assistant Engineer (O&M)
Tamil Nadu Generation and Distribution Operation (TNEB)
Somarasampettai
Trichy District.

2.The Executive Engineer,
Tamil Nadu Generation and Distribution Operation (TNEB)
Mannarpuram
Trichy District.

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