



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.07.2021

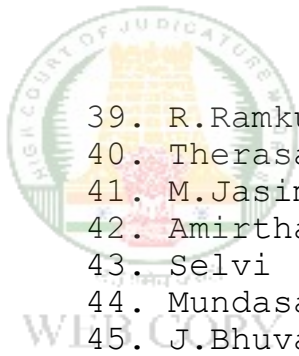
CORAM :

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.10167 of 2021

1. Chithra
2. G.Ramesh
3. Manimegalai
4. Udhayamani
5. Victoriyamary
6. M.Reetha
7. M.Rengaraj
8. Shahithabegam
9. S.Visalakshi
10. Ramakrishnan
11. K.Mariappan
12. Marikannu
13. M.Jayamary
14. Kanikavelu
15. Karthick
16. Vengadesh
17. Thirukkammal
18. N.Saravanan
19. A.Ramachandran
20. D.Arumugaraj
21. R.Banumathi
22. A.Alexander
23. R.Kannan
24. C.Dhanapalan
25. Sithiazeesa
26. I.Thangamani
27. Pushpa
28. Chrishtinal
29. J.Mathankumar
30. Anbumalar
31. Suriyakumari
32. Majidthun Noorpallivasal,
represented by its Secretary,
A.Mohammedali
33. Noornishabegam
34. Renuka
35. Sakkinabanu
36. Marlin Rose
37. S.Jenifar
38. J.Jamilabanu



39. R.Ramkumar
40. Therasa. D
41. M.Jasimabegam
42. Amirtharaj
43. Selvi
44. Mundasamy
45. J.Bhuvaneswari
46. Amsavalli
47. T.Naganathan
48. Kalidas
49. V.Thenmozhi
50. Raghul
51. Kabilan
52. Mahendran
53. Sarmilabegam
54. Joyce
55. Ayeeshabeebi
56. G.Subramanian

... Petitioners

Vs.

1. The District Collector,
Pudukkottai District.
2. The Superintending Engineer,
Tamil Nadu Generation of Electricity and Distribution Company,
(TANGEDCO), Pudukkottai.
3. The Tahsildar,
Kulathur, Pudukkottai District.
4. The Assistant Executive Engineer (Operation and Maintenance),
TANGEDCO, Keeranur Post and Taluk,
Pudukkottai.
5. The Assistant Engineer (Operation and Maintenance),
TANGEDCO, Mathur Post,
Kulathur Taluk, Pudukkottai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the fifth respondent to give electricity service connection to the petitioner's house comprised in S.F.No.206/2 of Mathur Village, Kulathur Taluk, Pudukkottai District, at once.

For Petitioners : Mr.P.Ganapathi Subramanian

For R-1 & R-3 : Mr.M.Lingadurai,
Government Counsel



For R-2, R-4 & R-5

: Mrs.M.Rajeswari
for S.M.S.Johny Basha
Standing counsel

ORDER

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This Writ Petition has been filed for the issue of a Writ of Mandamus directing the fifth respondent to provide electricity service connection to the houses belonging to the petitioners situated in S.F.No.206/2 of Mathur Village, Kulathur Taluk, Pudukkottai District.

2. The fifth respondent has filed a counter affidavit. It is stated in the counter affidavit that the petitioners have not submitted the application before the TANGEDCO along with the necessary 'no objection' certificate from the Deputy Tahsildar. It is further stated in the counter that the property has been classified as a poromboke land and therefore, without the petitioners executing an indemnity bond and without getting a 'no objection' certificate from the Tahsildar, the electricity service connection cannot be granted to the petitioners.

3. Heard Mr.P.Ganapathi Subramanian, learned counsel appearing for the petitioners, Mr.M.Lingadurai, learned Government Advocate appearing for the respondents 1 and 3 and Mrs.M.Rajeswari, learned counsel for Mr.S.M.S.Johny Basha, learned Standing counsel appearing for the respondents 2, 4 and 5.

4. The issue involved in the present Writ Petition has already been dealt with in W.P.(MD).No.3769 of 2013. That Writ Petition was filed by the other residents in the same locality seeking for service connection. It will be beneficial to extract the order passed in the said Writ Petition on 15.04.2013 hereunder:-

"3. The learned Additional Government Pleader on instruction submitted that the Tahsildar is prepared to give 'no objection' certificate for the purpose of taking electricity connection to the residence of the petitioners, in case they submit individual affidavits, undertaking to vacate the property whenever notice is issued to that effect by the Government.

4. The learned Standing Counsel for the Tamil Nadu Generation and Distribution Corporation Limited submitted that the 2nd respondent is prepared to provide electricity connection to the petitioners, in case 'no objection' certificate is obtained from the Tahsildar.



5. The learned counsel for the petitioners submitted that the petitioners are prepared to execute an affidavit before the Tahsildar to the effect that they will vacate the property in the event Government requires the lands.

6. The petitioners are directed to approach the Tahsildar, Kulathur to execute an undertaking affidavit to the effect that they will vacate the property in the event of Government requires the lands, for the purpose of obtaining 'no objection' certificates for electricity connection. In case the petitioners give any such undertaking to vacate the property, necessarily 'no objection' certificate should be given by the Tahsildar, Kulathur within two weeks from the date of receipt of such undertaking. Similarly, in the event of producing 'no objection' certificates by the petitioners before the second respondent, the application for electricity connection should be considered and disposed of within a period of two weeks from the date of receipt of application."

5. In the considered view of this Court, a similar direction can be given insofar as the petitioners also. When it comes to the Government land, no Tahsildar will issue a 'no objection' certificate and therefore, the relevant provisions under the Tamil Nadu Electricity Distribution Code, 2004, will become totally unworkable. The entitlement of even an encroacher for electricity service connection is now recognized. Therefore, there has to be some protection for the Department when it gives electricity connection to persons, who have put up the property in the Government lands. Even as per, Clause 27 (12) of the Tamil Nadu Electricity Distribution Code, 2004, an applicant has to execute an indemnity bond in Form 6 and he must also pay a security deposit twice the normal rate. These conditions will have to be necessarily complied with by the petitioners. Instead of getting a 'no objection' certificate from the Tahsildar, there shall be a direction to the petitioners to execute an affidavit before the Tahsildar to the effect that they will vacate the property in the event of the Government requiring the same and on executing such an affidavit, the Tahsildar can give a 'no objection' certificate. Thereafter, the petitioners can submit the same before the fifth respondent along with all the relevant documents as required under the Tamil Nadu Electricity Distribution Code, 2004. The fifth respondent shall act upon the same and provide the electricity



service connection within a period of eight (8) weeks thereafter.

6. This Writ Petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

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 District Collector,
Pudukkottai District.
2. The Tahsildar,
Kulathur, Pudukkottai District.
3. The Superintending Engineer,
Tamil Nadu Generation of Electricity and Distribution Company,
(TANGEDCO), Pudukkottai.
4. The Assistant Engineer (Operation and Maintenance),
TANGEDCO, Mathur Post,
Kulathur Taluk, Pudukkottai.

+1 CC to M/s.SPL GP (SR-21726[F] dated 08/07/2021)

Order made in

W.P. (MD) .No.10167 of 2021

Dated:07.07.2021

ns (CO)

TR(14.07.2021) 5P 6C