



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.10944 of 2021

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P.Manimegalai

... Petitioner

Vs.

1.The District Collector,
Pudukottai.

2.The Assistant Engineer,
Operation and Maintenance (South),
Tamil Nadu Government and Distribution Corporation,
Mathur Post, Kulathur Taluk,
Pudukottai.

3.The Tahsildar,
Kulathur,
Pudukottai District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the 2nd respondent to give electricity service connection for the house of the petitioner situated in S.F.No.206/2 of Mathur Village, Kulathur Taluk, Pudukottai District.

For Petitioner : Mr.G.M.Xavier
For R1 & R3 : Mr.R.Sureshkumar
Government Advocate
For R2 : Mrs.Rajeswari
for Mr.SMS.Johny Basha

ORDER

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

2. The learned Standing counsel appearing for the second respondent submitted that the petitioner has not submitted the application before the TANGEDCO along with the necessary 'no objection' certificate from the Deputy Tahsildar. It is further submitted that the property has been classified as a poromboke land and therefore, without the petitioner executing an indemnity bond and without getting a 'no objection' certificate from the Tahsildar,



the electricity service connection cannot be granted to the petitioner.

3. Heard Mr.G.M.Xavier, learned counsel appearing for the petitioner, Mr.R.Suresh Kumar, 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 second respondent.

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

two weeks from the date of receipt of



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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 petitioner 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 petitioner. Instead of getting a 'no objection' certificate from the Tahsildar, there shall be a direction to the petitioner to execute an affidavit before the Tahsildar to the effect that she 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 petitioner can submit the same before the second respondent along with all the relevant documents as required under the Tamil Nadu Electricity Distribution Code, 2004. The second 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)

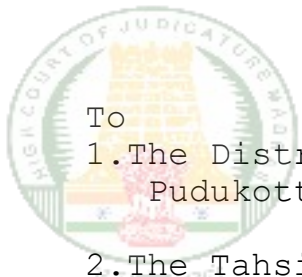
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/ /2021

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,
Pudukottai.

2.The Tahsildar,
Kulathur,
Pudukottai District.

+1 CC to M/s.G.M.XAVIER, Advocate (SR-22075[F] dated 12/07/2021)

+1 CC to M/s.SPL GP (SR-22302[F] dated 13/07/2021)

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LS (CO)

LR (19.07.2021) 4P 5C