

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.06.2022

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THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.5638 of 2022

E.Jothi

.. Petitioner

Vs.

1. The Assistant Engineer,
Operation & Maintenance,
O/o.The Tamil Nadu Electricity Board,
Madurantakam West,
Chengalpattu District.

2. The Tahsildar,
Madurantakam Taluk,
Chengalpattu District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus directing the first respondent herein to dispose of the petitioner's online application dated 06.12.2021 seeking electricity connection for the petitioner residence at No.1, J.J.Nagar, Morapakkam Village Madurantakam Taluk, Chengalpattu District, Which is situated in Meikkal Poramboke property comprised in Survey No.214/3 at Morapakkam Village, Madurantakam Taluk, Chengalpattu District.

For Petitioner	: Mr.G.Magesh Kumar
For Respondents	: Mr.L.Jaivenkatesh, Standing Counsel for R1 Mr.K.H.Ravikumar for R2

O R D E R

This writ petition has been filed for a mandamus seeking for a direction to the first respondent to pass final orders on the petitioner's online representation dated 06.12.2021 seeking for electricity service for the petitioner's residence at No.1, J.J.Nagar, Morapakkam Village, Madurantakam Taluk, Chengalpattu District, which is situated in Meikkal Poramboke property comprised in Survey No.214/3 at Morappakkam Village, Madurantakam Taluk, Chengalpattu District.

2 The petitioner claims that he has applied for electricity service connection by submitting online application

dated 06.12.2021 with the first respondent. According to him, the first respondent has not processed the said application on the ground that he has to obtain 'No Objection Certificate' from the second respondent. Since the petitioner's online application has not been processed by the first respondent, he has filed this writ petition.

3 A counter affidavit has also been filed by the first respondent, in which, they have reiterated that 'No Objection Certificate' is required from the second respondent in view of the fact that the subject property is a poramboke land.

4 Heard Mr.G.Magesh Kumar, learned counsel for the petitioner, Mr.C.Jaivenkatesh, learned Standing Counsel for the first respondent and Mr.K.H.Ravikumar, learned counsel for the second respondent.

5 The learned counsel appearing for the petitioner drew the attention of this Court to an order passed by a learned Single Judge in the Madurai Bench of this Court on 24.06.2021 in the case of N.Senthil Vs. The Assistant Engineer, Tamil Nadu Electricity Board, Madurai, in W.P.(MD).No.10075 of 2021, in which the learned Single Judge has held that there is no necessity to produce No Objection Certificate even in a case where the subject property is a poramboke land. But, the petitioner in that writ petition was directed to give an indemnity bond to the effect that he will not claim any right over the property by virtue of the department providing electricity service connection and he will vacate and hand over the property as and when the property is required by the Government.

6 The learned counsel appearing for the petitioner, on instructions, now submits that the petitioner is willing to provide indemnity bond as was directed by the learned Single Judge in the aforesaid order.

7 Admittedly, the petitioner's application seeking for electricity service connection in his name for the said property has not been considered till date. Further, admittedly the subject property is a poramboke land. The petitioner is also willing to execute indemnity bond in the same lines of the order passed by another learned Single Judge on 24.06.2021 referred to supra.

8 No prejudice would be caused to the respondents, if the petitioner's online application dated 06.12.2021 seeking for electricity service connection for his residence is considered on merits and in accordance with law in the light of the decisions rendered by another learned Single Judge on 24.06.2021

in W.P.(MD).No.10075 of 2021 referred to supra.

9 For the foregoing reasons, this Court directs the first respondent to pass final orders on the petitioner's online application dated 06.12.2021 seeking for electricity service connection in the name of the petitioner for his residence at No.1, J.J.Nagar, Morapakkam Village Madurantakam Taluk, Chengalpattu District, Which is situated in Meikkal Poramboke property comprised in Survey No.214/3 at Morapakkam Village, Madurantakam Taluk, Chengalpattu District, within a period of eight weeks from the date of receipt of a copy of this order in the light of the decision of the learned Single Judge dated 24.06.2021 in W.P.(MD)No.10075 of 2021 in the case of N.Senthil Vs. The Assistant Engineer, Tamil Nadu Electricity Board, Madurai, after affording a fair hearing to the petitioner including granting him the right of personal hearing.

10 With the above directions, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Assistant Engineer,
Operation & Maintenance,
O/o.The Tamil Nadu Electricity Board,
Madurantakam West,
Chengalpattu District.
2. The Tahsildar,
Madurantakam Taluk,
Chengalpattu District.

+1cc to Mr.L.Jaivenkatesh, Advocate, S.R.No.38760
+1cc to Mr.G.Magesh Kumar, Advocate, S.R.No.39391
+1cc to the Government Pleader, S.R.No.39300

W.P.No.5638 of 2022

SMI(CO)
CT/21/07/2022