



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.6110 of 2015

and

M.P.No.1 of 2015

L.Damodaran

...Petitioner

Vs

1.The Junior Engineer / O & M,
Agaram Cherry, Tamil Nadu Electricity Board,
Vellore District.

2.C.Saraswathi

3.G.Baggiyammal

4.C.Govindan

5. K.Munusamy

...Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to effect the new domestic service connection to the petitioner's premises at Nadu Street, Thollapalli Village, Vellore District, in petitioner name on the basis of application given by the petitioner on 15.10.2014 considering the documents enclosed with the said application, on getting necessary charges on a date fixed by this Honourable Court.

For Petitioner : Mr.P.Gunaraj
for Mr.L.G.Sahadevan

For Respondents : Mr.L.Jaivenkatesh
For TANGEDCO [For R1]

Mr.A.Thamammahideen
[For R2 to R5]

O R D E R

The relief sought for in the present writ petition is to direct the first respondent to effect the new domestic service connection to the petitioner premises at Nadu Street,



applicant for service connection the further undertaking should be furnished." Therefore, when the land belongs to the Government / Poromboke land, then the Electricity service connection cannot be provided under Clause 27 (4) of the Tamil Nadu Electricity Distribution Code and the competent authorities have to issue No Objection Certificate.

7. In respect of the encroachers of Government land, they are not entitled for Electricity service connection. Encroachments can be removed at any point of time, if the Government is of an opinion that the land is required for the public usage. Therefore, mere possession would not confer any right. Encroachers are liable to be evicted, if such lands are to be utilised for public usage. This being the principles to be followed, if the land belongs to the Government, then the petitioner is eligible to submit an application along with No Objection Certificate to be issued by the competent authority of the Government. In the absence of any such No Objection from the competent Government authorities, the application for service connection cannot be considered at all. Mere payment of property tax receipt is insufficient. Therefore, it is to be ascertained by the competent authorities, whether the petitioner is an encroacher and if he is an encroacher of the poromboke land, he is not entitled for any relief. As far as the present writ petition is concerned, the petitioner has not established any right for the purpose of considering the relief as such sought for in the present writ petition.

8. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

nti/kak

To

The Junior Engineer / O & M,
Agaram Cherry, Tamil Nadu Electricity Board,
Vellore District.

+1cc to Mr.L.Jai venkatesh, Advocate SR.No.1166

+1cc to Mr.L.G.Sahadevan, Advocate SR.No.421

W.P.No. 6110 of 2015

AD (CO)

GMV (21/01/2022)