



W.P. No.23221 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.23221 of 2014

Ramesh

...Petitioner

Vs.

1.Village Administrative Officer,
66, Se.Pettai,
Gingee Taluk,
Viluppuram District.

2.Tamil Nadu Electricity Board,
TANGEDCO,
Represented by its Junior Engineer,
Nallanpillai Petral,
Gingee Taluk, Viluppuram District.

3.The Assistant Engineer,
Tamil Nadu Electricity Board,
TANGEDCO,
Gingee Taluk, Viluppuram District.

4.P.Rajamanickam

... Respondents

[R4 is impleaded as per order dated 24.10.2018 made in W.M.P.No.1 of 2015 in W.P.No.23221 of 2014]

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st respondent Village Administrative Officer to issue the ownership certificate in the printed form in



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the place of the handwritten certificate dated 20.04.2014, the 2nd and 3rd respondents to receive the petitioner's application and provide change over switch electricity service connection No. SC 83, 3 HP from the land situated in Survey No.73/5A to the land situated in Survey No.73/1D, Kamagaram Village, Gingee Taluk, Viluppuram District based on the hand written ownership certificate within a time frame fixed by this Court.

For Petitioner : Mr.S.Saravana Kumar

For R1 : Mr.M.Murali
Government Advocate

For R2 & R3 : Mr.L.Jai Venkatesh
Standing Counsel

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, to direct the 1st respondent/Village Administrative Officer to issue the ownership certificate in the printed form in the place of the handwritten certificate dated 20.04.2014, the 2nd and 3rd respondents to receive the petitioner's application and provide change over switch in electricity Service Connection No. SC 83, 3 HP from the land situated in Survey No.73/5A to the land situated in Survey No.73/1D, Kamagaram Village, Gingee Taluk, Viluppuram District, based on the hand written ownership certificate within a time frame fixed by this Court.



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WEB COPY 2. The case of the petitioner is that he is the owner of the aforesaid property. For the purpose of shifting the electricity service connection No.SC 83, 3 HP from the Survey No.73/5A to the land in Survey No.73/1D, enabling the petitioner to draw water from the Well for cultivation, the petitioner has approached the 2nd respondent and the 2nd respondent has directed the petitioner to submit an application along with the ownership certificate to be obtained from the 1st respondent/VAO. Therefore, the petitioner made a request to the 1st respondent for issuance of ownership certificate. However, the 1st respondent has issued a handwritten ownership certificate dated 20.04.2014 to the petitioner. Thereafter, the petitioner has made a representation dated 21.05.2014 before the 2nd respondent along with the handwritten ownership certificate issued by the 1st respondent. After receipt of the same, the 2nd respondent has not taken any steps to shift the electricity service connection in the petitioner's property. After repeated requests, the 2nd respondent has directed the petitioner to obtain the ownership certificate in a prescribed format. However, the 1st respondent has not given any ownership certificate in the prescribed format to the petitioner. Hence, the present Writ Petition is filed.



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3. The learned counsel for the petitioner submits that though the petitioner has requested the 2nd respondent for shifting the electricity service connection, the same was not considered by the 2nd respondent. Further, he submits that it would suffice if this Court issues direction to the 1st respondent to issue the ownership certificate in a prescribed format and direction to the respondents 2 and 3 to consider the ownership certificate and pass appropriate orders for shifting the electricity service from Survey No.73/5A to Survey No.73/1D within a time frame that may be fixed by this court.

4. Heard the learned counsel for the parties and perused the materials available on record.

5. On a perusal of the records, it reveals that the petitioner appears to have made a request to the 1st respondent seeking to provide a ownership certificate in a prescribed format, so as to enable him to apply for shifting the electricity Service Connection. This Court is unable to understand as to how the 1st respondent can endorse the ownership certificate in respect of his property in favour of the petitioner and which provisions of law empowers him to issue such a ownership certificate as sought for. Therefore, in the



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absence of any provisions of law empowering the 1st respondent to issue ownership certificate, the prayer sought for by the petitioner cannot be granted. Hence, this Court does not find any merits to entertain the writ petition.

6. Accordingly, the Writ Petition is dismissed. However, liberty is granted to the petitioner to work out the remedy in the manner known to law.

No costs.

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Index : Yes / No

Internet : Yes / No

Speaking order / Nonspeaking order

sp/vsi2

To

1.The Village Administrative Officer,
66, Se.Pettai,
Gingee Taluk,
Viluppuram District.

2.The Junior Engineer,
Tamil Nadu Electricity Board,
TANGEDCO,
Nallanpillai Petral,
Gingee Taluk, Viluppuram District.

3.The Assistant Engineer,
Tamil Nadu Electricity Board,
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M.DHANDAPANI, J.

sp/vsi2

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