



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2022

CORAM

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

WP Nos. 28319, 28321 and 28324 of 2019

V. Shanthi	...Petitioner in WP 28319/2019
P.Marimuthu	...Petitioner in WP 28321/2019
K.Shanmugam	...Petitioner in WP 28324/2019

vs.

1. The District Collector,
Office of the Collectorate,
Master Plan Complex NH 205,
Chennai - Tiruttani Highway,
Tiruvallur 602 001.
 2. The Tahsildar,
Office of the Madhavaram Taluk Office,
No.32/4, SH 111, West Garden, Natesan Nagar,
Madhavaram, Chennai 600 060.
 - *3. The Assistant Engineer (O and M)
Tamil Nadu Electricity Board, Kathirvedu,
TANGEDCO/CEDC/NORTH, Puzhal,
Chennai 600 066.
- ...Respondents in all the petitions

(R3 Impleaded as per order dated 11/2/2020 made
in WMP. 3973/2020 in WP 28319/2019 by PDAJ)

Prayer:- Writ petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records connected with the proceedings issued in (i) Na.Ka.No.1044/2019/A3 (ii) Na.Ka.No.1043/2019/A3 (iii) Na.Ka.No.1042/2019/A3 respectively dated 28.08.2019 passed by the 2nd respondent and quash the same and consequently direct the respondents to issue "No Objection Certificate" for getting electricity connection (domestic purpose) to the petitioner's residence viz. (i) No.23, 24, 25, Kurunji Nagar, Vikneshwara Nagar, Puthagaram, Chennai 600 099 (ii) No.19, Kurunji Nagar,



Vikneshwara Nagar, Puthagaram, Chennai 600 099 (iii) No.21, 22, Kurunji Nagar, Vikneshwara Nagar, Puthagaram, Chennai 600 099 respectively.

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For Petitioner : Mr.S.Ilamvaludhi
(in each of the petitions)

For Respondents : Ms.V.Yamunadevi
(in all the petitions) Spl. Government Pleader,
for R1 & 2

Ms.Revathy V.
for Mr.L.Jaivenkatesh for R3

O R D E R

Challenge in these Writ Petitions is to the rejection of the request of the petitioners seeking no objection certificate for obtaining Electricity Connection.

2. The petitioners who had put up constructions in Government Poramboke Land had applied to the third respondent for grant of Electricity connection. The third respondent had required the petitioners to produce a No Objection Certificate from the Tahsildhar, since the property in which they had put up the construction is the Government Poramboke land. While disposing of the Writ Petitions filed by the petitioners seeking Mandamus to the erstwhile Electricity Board to provide domestic Electricity connection to the residence of the petitioners, this Court has passed the following order:

"6. If that is so, the respondents ought to have intimated to the petitioner about the legal position. In any event, the petitioner herein is directed to get "No Objection Certificate" from the Revenue Authority and make suitable application to the second respondent. On receipt of such application, the second respondent shall pass appropriate orders in accordance with law."

3. Pursuant to the said direction, the petitioners have applied to the second respondent for issuance of no objection certificate. The second respondent has rejected the said request on the ground since the land belongs to the Government no objection certificate cannot be granted. The petitioners would contend that the rejection of the claim for no objection certificate is illegal and under Regulation 27(4) of the Tamil Nadu Electricity Distribution Code, it is enough if the petitioners produce proof of occupation and indemnity bond. I



do not think that the contention of the petitioners could be sustained. Regulation Section 27(12) of the Electricity Supply Code requires a no objection certificate if the land belongs to the Government. The Tahsildhar is well within his powers to reject the request for issuance of no objection certificate.

4. It is also stated by the learned Special Government Pleader that the land is classified as a water body. If that be so, the Tahsildhar is all the more justified in rejecting the request for grant of no objection certificate. I do not think that this Court can exercise its power under Article 226 to legalise the illegal occupation by directing issuance of a no objection certificate. Hence these Writ Petitions fail and are accordingly dismissed. No costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

jv

To

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TANGEDCO/CEDC/NORTH, Puzhal,
Chennai 600 066.

+1cc to State Government Pleader SR. No. 39863

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GPL (CO)
PR (07/07/2022)