



WEB COPY



W.P.No.16237 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.16237 of 2017
and WMP Nos.17572 & 17573 of 2017

Philomina

...Petitioner

Vs.

1. The Assistant Engineer
(TNEB), Electricity Distribution Circle,
Mettur Town Division, Mettur Dam-I
Salem District.

2. The Tamilnadu Government
Rep. By the District Collector,
Salem, Salem District.

3. The Executive Engineer,
PWD Mettur Dam – 1
Salem District.

4. The Assistant Engineer,
PWD, Mettur Dam – 1,
Salem District.

..Respondents

RR2 to 4 Impleaded as per order
dated 23.03.18 by KRCBJ in WMP No.7237/18



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Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the respondent in letter No.Vu.Pe/V/Na/Ma/Ko.Thani/A.No.001/17 dated 04.05.2017, quash the same and consequently direct the respondent to provide an electricity connection to the petitioner's house situated at Ward No.19 (Old Ward No.20) Block No.27, T.S.No.193, as per re-survey Ward-A, Block No.66, T.S.No.47 to an extent of 900 sq. ft. situated at Mettur Municipality Limit.

For Petitioner : Mr.M.Elango

For Respondents : Ms. V.Revathy
for Mr.M.Abulkalam
Standing Counsel, for R1

Mrs.V.Yamunadevi,
Spl. Government Pleader for RR 2 to

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ORDER

The challenge in this Writ Petition is to the rejection of the request of the petitioner for grant of a service connection to the house constructed by her at Door No.149A, Peon Quarters, Mettur Dam I, Mettur. The petitioner's mother Sebasthiammal had constructed the said house and she was provided

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with an electricity connection. Since there was an attempt to evict her, she filed a suit in OS No.542 of 1985 on the file of the District Munsif, Mettur and the same was decreed by the Civil Court on 07.08.1989. The said Sebasthiammal died on 20.02.2009. Upon her death, the electricity service connection that was given to the house was disconnected. There upon the petitioner filed an independent suit seeking permanent injunction restraining the Revenue Authority from interfering with her possession of the property in OS No.23 of 2012. The said suit came to be dismissed and the Second Appeal in SA No.810 of 2016 is pending.

2. Pending Second Appeal, in CMP Nos. 15325 and 15326 of 2016, there is a direction for maintenance of status-quo and the said order was also made absolute on 07.02.2017. The petitioner thereafter applied for grant of service connection for the said house which has been rejected under the order impugned. Though the petitioner has enclosed no objection certificate from the Revenue Department, the application was rejected on the ground that the Second Appeal is pending and that the petitioner should obtain a no objection certificate from PWD.



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3. No doubt Regulation 27(12) of the Tamil Nadu Electricity Distribution Code, requires a person to get no objection certificate from the concerned officer, if the service connection is sought for a building in Promboke land or Government land. The case on hand cannot be treated on par with the construction in Government land or Promboke land, inasmuch as the petitioner's possession is protected by this Court by virtue of the interim order granted in the Second Appeal and the petitioner has also furnished an indemnity bond, as required under Regulation 27 (4) of the Tamil Nadu Electricity Distribution Code.

4. In view of the peculiar situation, where the possession of the petitioner is protected by the interim order of this Court, there will be a direction to the respondents to provide electricity service connection to the petitioner on her furnishing an indemnity bond and also undertaking to abide by the result of the Second Appeal. The grant of service connection is solely based on the fact that the possession of the petitioner is protected by the interim order of this Court and the parties to abide by the result in the



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Second Appeal.

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5. With the above observation, the Writ Petition is **allowed**. No costs. Consequently, the connected miscellaneous petitions are closed.

13.07.2022

jv

Index:No

Internet:Yes

speaking order

To-

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R.SUBRAMANIAN, J.

jv

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