



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.6680 of 2022

WEB COPY
I.Pandaram

.. Petitioner

Vs

1.The Superintendent Engineer,
TANGEDCO,
Polpettai, Ettayapuram Road,
Thoothukudi - 628 002.

2.The Executive Engineer,
TANGEDCO,
Philomi Nagar Last Street,
Thiruchendur,
Thoothukudi District - 628 257.

3.The Assistant Executive Engineer,
TANGEDCO, Rural Udangudi,
Thoothukudi District.

4.The Tahsildar,
Thiruchendur Taluk,
Thoothukudi District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 3 to forthwith give electricity service connection to the petitioner's house, situated at S.No.186/1, situated in Kulasekarapattinam, Thiruchendur Taluk, Thoothukudi District, based on his application No.200073740921650, dated 22.09.2021, without insisting for the No Objection Certificate from the revenue authorities.

For Petitioner : Mr.I.Robert Chandrakumar
For Respondents : Mr.S.Deenadhayan for R1 to R3
Standing Counsel
Mr.M.Lingadurai for R4
Special Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the third respondent to give electricity service connection to the petitioner's dwelling house situated at S.No.186/1, in Kulasekarapattinam, Thiruchendur Taluk, Thoothukudi District, based on the petitioner's application, dated 22.09.2021, without insisting for a No Objection Certificate from the Revenue Authorities, within a time frame to be fixed by this Court.



2.The petitioner claims that he is the absolute owner of the aforementioned property. According to him, it is a grama natham land and therefore, No Objection Certificate is not required from Revenue Authorities. However, according to the petitioner, till date, the third respondent has not granted electricity service connection in his favour. In such circumstances, he has filed this writ petition.

3.Heard Mr.I.Robert Chandrakumar, learned counsel appearing for the petitioner, Mr.S.Deenadhayalan, learned Standing Counsel, who accepts notice on behalf of the respondents 1 to 3 and Mr.M.Lingadurai, learned Special Government Pleader, who accepts notice on behalf of the 4th respondent.

4.The learned counsel for the petitioner has filed along with the writ petition the copies of the Judgments passed by this Court, which are as follows:

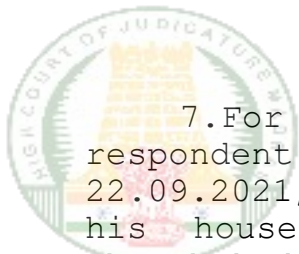
a)A Division Bench's Judgment of this Court in the case of ***The Executive Officer, Kadathur Town Panchayat, Harur Taluk, Dharmapuri District Vs. V.Swaminathan and others*** reported in ***2004 (3) CTC 270***.

b)A Single Judge's decision of this Court, dated 19.08.2015, passed in W.P.No.25640 of 2015, in the case of ***Mr.V.Kumarakrishnan Vs. The Tamil Nadu Electricity Board, by its Chairman, No.144, Anna Salai, Chennai and another***.

The aforesaid judgments have been filed by the petitioner to substantiate his claim that in respect of grama natham land, there is no necessity to obtain No Objection Certificate from the Revenue Authorities for the purpose of getting electricity service connection.

5.The learned Standing Counsel for the third respondent fairly submits that insofar as the grama natham land is concerned, there is no necessity for the petitioner to obtain No Objection Certificate from the Revenue Authorities for getting an electricity service connection in his favour. However, he would submit that the documents produced by the petitioner will have to be examined and it is for the third respondent to decide the same on merits and in accordance with law and in case it is found that the subject land is a grama natham land, the third respondent will grant electricity service connection in favour of the petitioner. The said statement is recorded.

6.The learned counsel for the petitioner also submits that before the third respondent, the petitioner will substantiate his case by producing all the relevant documents to prove that the said land is a grama natham land.



7.For the foregoing reasons, this Court directs the third respondent to consider the petitioner's application, dated 22.09.2021, seeking for grant of electricity service connection for his house situated at Kulasekarapattinam, Thiruchendur Taluk, Thoothukudi District in S.No.186/1 and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner including granting him the right of personal hearing, in the light of the judgments referred to supra, within a period of eight weeks from the date of receipt of a copy of this order.

8.With the aforesaid directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TM

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

- 1.The Superintendent Engineer,
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- 3.The Assistant Executive Engineer,
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Thoothukudi District.



4.The Tahsildar,
Thiruchendur Taluk,
Thoothukudi District.

+1 CC to M/s.T. ROBERT CHANDRAKUMAR, Advocate (SR-17748[F]
dated 11/04/2022)

+1 CC to M/s.SPL.GP. (SR-18137[F] dated 12/04/2022)

W.P. (MD)No.6680 of 2022

11.04.2022

KM(CO)

GC(12.04.2022) 4P 7C