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W.P.(MD)NO.17245 OF 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.17245 of 2021

V.Nigila

... Petitioner

Vs.

1. The Assistant Engineer,
Operation and Maintenance (South),
Tamil Nadu Generation and Distribution Corporation,
Mathur Post,
Kulathur Taluk,
Pudukottai.

2. The Tahsildar,
Kulathur,
Pudukottai District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to provide electricity service connection for the petitioner's house situated in survey No.5/3 of Kumaramangalam Village, Kulathur Taluk, Pudukottai District.

For Petitioner : Mr.G.M.Xavier

For R-1 : Mr.S.Deenadhayalan,
Standing Counsel.

For R-2 : Mr.M.Sarangan,
Additional Government Pleader.

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ORDER

Heard the learned counsel on either side.

2. The petitioner seeks provision of electricity service connection for the petition mentioned house. It appears that the petition mentioned house is a Government poramboke. The issue as to whether the electricity service connection can be given in such cases has already been considered by this Court. The petitioner's counsel draws my attention to the order dated **15.04.2013** made in **W.P.(MD)No.3769 of 2013**. In the aforesaid decision, it has been held as follows:-

“3. The learned Additional Government Pleader on instruction submitted that the Tahsildar is prepared to give 'no objection' certificate for the purpose of taking electricity connection to the residence of the petitioners, in case they submit individual affidavits, undertaking to vacate the property whenever notice is issued to that effect by the Government.



4. The learned Standing Counsel for the

Tamil Nadu Generation and Distribution Corporation Limited submitted that the 2nd respondent is prepared to provide electricity connection to the petitioners, in case 'no objection' certificate is obtained from the Tahsildar.

5. The learned counsel for the petitioners submitted that the petitioners are prepared to execute an affidavit before the Tahsildar to the effect that they will vacate the property in the event Government requires the lands.

6. The petitioners are directed to approach the Tahsildar, Kulathur to execute an undertaking affidavit to the effect that they will vacate the property in the event of Government requires the lands, for the purpose of obtaining 'no objection' certificates for electricity connection. In case the petitioners give any such undertaking to vacate the property, necessarily 'no objection' certificate should be given by the Tahsildar, Kulathur within two weeks from the date of receipt of such undertaking.



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Similarly, in the event of producing 'no objection' certificates by the petitioners before the second respondent, the application for electricity connection should be considered and disposed of within a period of two weeks from the date of receipt of application."

3. The petitioner shall execute an affidavit before the second respondent undertaking to vacate the property in the event of the Government requiring the same. On execution of the affidavit, the second respondent shall give no objection certificate. The petitioner can thereafter move the first respondent with all the relevant documents. Since the entitlement of an encroacher for electricity service connection is now recognised subject to execution of Indemnity Bond in Form-6 and payment of security deposit twice the normal rate, the first respondent is directed to provide electricity service connection to the writ petitioner within a period of eight weeks thereafter. This writ petition stands allowed on these terms. No costs.

04.08.2022

Index : Yes / No
Internet : Yes/ No

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To:

1. The Assistant Engineer,
Operation and Maintenance (South),
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Mathur Post,
Kulathur Taluk,
Pudukottai.
2. The Tahsildar,
Kulathur,
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G.R.SWAMINATHAN,J.

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