



W.P.(MD)No.20096 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.09.2022

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THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.20096 of 2022

P.Kalaiselvam

.. Petitioner

Versus

1.The District Collector,
Pudukottai.

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

3.The Tahsildar,
Kulathur,
Pudukottai District.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the second respondent to give electricity service connection for the house of the petitioner, situated in S.F.No.206/2 of Mathur Village, Kulathur Taluk, Pudukottai District.

For Petitioner : Mr.G.M.Xavier

For Respondents 1 and 3 : Mr.A.Kannan
Additional Government Pleader

For 2nd Respondent : Mr.S.Deenadhayalan
Standing Counsel



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ORDER

The petitioner has filed this Writ Petition seeking issuance of a Writ of Mandamus, to direct the second respondent to give electricity service connection for the house of the petitioner, situated in S.F.No.206/2 of Mathur Village, Kulathur Taluk, Pudukottai District.

2.The learned counsel for the petitioner submits that S.F.No.206/2 of Mathur Village, measuring an extent of 75 Acres, is classified as Poromboke land and more than 300 terraced and tiled houses were constructed in the said survey number by the general public before 30 years back and they are regularly paying the house tax for the houses. Out of the said 300 houses, for nearly about 150 houses, electricity service connections have been provided by the Electricity Department. The petitioner approached the respondents for getting electricity service connection in the year 2012. However, they refused to receive the application for getting electricity service connection. Since the electricity officials did not give electricity service connection, some political party also joined in a road roko agitation. Thereafter, the third respondent convened a meeting to settle the dispute and on 28.08.2012, a meeting was held in the office of the third respondent and a decision was arrived at in the said meeting and they have agreed to give electricity service connection for the houses constructed in S.F.No.206/2 on the basis of the certificate issued by the



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Revenue Department and the certificate issued by the President of Mathur Village.

3.The learned counsel for the petitioner further submits that the revenue authorities submitted that for grant of Patta to the inhabitants of S.F.No.206/2, necessary proposal will be forwarded to the Government. In the said meeting, the second respondent has also participated and signed in the proceedings. On the assurance given by the second respondent, the agitation and further course of action have been dropped by the petitioner and other aggrieved persons. Though the second respondent agreed to give electricity service connection, he failed to keep his promise saying that the first respondent instructed him not to give electricity service connection to the petitioner and others. Therefore, one Ramachandran and 24 others of Vivekananda Nagar, Mathur, filed W.P. (MD)No.3769 of 2013 and one D.Selvakumari filed W.P.(MD)No.10996 of 2021 before this Court. This Court, vide order dated 12.07.2021, in W.P. (MD)No.10996 of 2021, at Paragraphs 4 and 5, has held as under:-

"4.The issue involved in the present Writ Petition has already been dealt with in W.P.(MD).No.3769 of 2013. That Writ Petition was filed by the other residents in the same locality seeking for service connection. It will be beneficial to extract the order passed in the said Writ Petition on 15.04.2013 hereunder:-



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"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



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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. 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."

5. In the considered view of this Court, a similar direction can be given insofar as the petitioner also. When it comes to the Government land, no Tahsildar will issue a 'no objection' certificate and therefore, the relevant provisions under the Tamil Nadu Electricity Distribution Code, 2004, will become totally unworkable. The entitlement of even an encroacher for electricity service connection is now recognized. Therefore, there has to be some protection for the Department when it gives electricity connection to persons, who have put up the property in the Government lands. Even as per, Clause 27 (12) of the Tamil Nadu Electricity Distribution Code, 2004, an applicant has to execute an indemnity bond in Form 6 and he must also pay a security deposit twice the normal rate. These conditions will have to be necessarily complied with by the petitioner. Instead of getting a 'no objection' certificate from the Tahsildar,



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there shall be a direction to the petitioner to execute an affidavit before the Tahsildar to the effect that she will vacate the property in the event of the Government requiring the same and on executing such an affidavit, the Tahsildar can give a 'no objection' certificate. Thereafter, the petitioner can submit the same before the second respondent along with all the relevant documents as required under the Tamil Nadu Electricity Distribution Code, 2004. The second respondent shall act upon the same and provide the electricity service connection within a period of eight (8) weeks thereafter."

4. Heard the learned counsel for the petitioner, the learned Additional Government Pleader appearing for the first respondent and the learned Standing Counsel for the appearing for the second respondent.

5. Considering the facts and circumstances of the case, a similar direction can be given insofar as the petitioner also. The petitioner has to execute an indemnity bond in Form – 6 and he must also pay a security deposit twice the normal rate. These conditions will have to be necessarily complied with by the petitioner. Instead of getting a No Objection Certificate from the Tahsildar, there shall be a direction to the petitioner to execute an affidavit before the Tahsildar to the effect that he will vacate the property in the event of the Government requiring the same and on executing such an affidavit, the



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Tahsildar can give a No Objection Certificate. Thereafter, the petitioner can submit the same before the second respondent along with all relevant documents as required under the Tamil Nadu Electricity Distribution Code, 2004 and the same will be considered by the second respondent and necessary electricity service connection will be given, within a period of eight weeks thereafter.

6.This Writ Petition stands disposed of accordingly. No costs.

16.09.2022

Index : Yes/No
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V.BHAVANI SUBBAROYAN, J.

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Order made in
W.P.(MD) No.20096 of 2022

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