



W.P(MD)No.15887 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **31.10.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.15887 of 2014

D.Kamalam

... Petitioner

Vs.

1.The Executive Engineer (Operation & Maintenance),
Tamil Nadu Electricity Board,
Railway Feeder Road,
Palani,
Dindigul District.

2.The Assistant Engineer,
Tamil Nadu Electricity Board,
Pappampatti,
Palani Taluk,
Dindigul District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to provide an agricultural electricity service connection to the petitioner on the basis of the application, dated 09.10.1991 and the consequential proceedings of the first respondent in letter No. செ.பொ/பழ/தொநுஒ./கோ.கட்டு/அ.எண்.206/2009, dated 25.08.2009, without insisting No Objection Certificates from the co-shares of the irrigation rights.



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For Petitioner : M/s.D.Sivaraman

For Respondents : M/s.S.Deenadhayalan
Standing Counsel

ORDER

The present Writ Petition has been filed seeking a Writ of Mandamus, directing the respondents to provide agricultural electricity service connection to the writ petitioner on the basis of the application, dated 09.10.1991, without insisting on No Objection Certificate from the co-sharers of the irrigation rights.

2. According to the learned Counsel for the petitioner, she is a joint owner along with one Subbathal for Survey Nos.9/5A1 and 9/2 in Chinnammappatti Village, Palani Taluk. The said lands have got right of irrigation from a Well located in Survey No.9/5A4. They have submitted the application to the respondent authorities for free electricity service connection. Though the application has reached its seniority, the respondent authorities have not provided electricity service connection. Hence, the present writ petition.



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3. According to the learned Standing Counsel appearing for the respondent Board, the land in which Well is located, is owned by five persons jointly and unless NOC is obtained from all the co-owners, a service connection cannot be effected. However, the learned Counsel for the petitioner pointed out that when one of the co-sharers, namely, Narendran son of Govindasamy Naicker made an objection, the said objection was rejected by the authorities on 29.09.2009. What applies to Narendran also applies to the objection raised by the other co-owners. Hence, without insisting upon NOC, the service connection should be provided to the writ petitioner along with Subbathal.

4. I have given anxious consideration to the submissions made on either side and perused the records.

5. It is an admitted fact that the petitioner has made an application for free electricity service connection on 09.10.1991 and they have also expressed their readiness to accept the said connection within a period of ninety days from the date of letter issued by the Electricity Board on



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reaching seniority. However, the connection has not been given effect to, in view of objections raised by certain co-sharers. When the Board has chosen to reject the objection raised by one of the co-owners, the same equally applies to the objection raised by the other co-owners.

6. In view of the above said facts, the respondent authorities are directed to effect free agricultural electricity service connection to the writ petitioner, if they are otherwise eligible, without insisting upon NOC from other co-sharers. In view of the pendency of the writ petition, the period spent during the writ petition shall be excluded and without considering the fact of lapse of the application, the respondent authorities are directed to effect free agricultural electricity service connection. The said exercise shall be completed within a period of three (3) months from the date of receipt of a copy of this order.

7. With the above said observations, the writ petition stands allowed. There shall be no order as to costs.

31.10.2022



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Index : Yes / No

Internet : Yes / No

btr

To

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R.VIJAYAKUMAR, J.

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Order made in
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