



W.P.(MD)No.8300 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.06.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.8300 of 2017

and

W.M.P(MD)Nos.6363, 6364 of 2017 & 7113 of 2020

Kayalpattinam Singithurai
Fishermen Welfare Committee,
Represented by its President,
P.Dhasnevis,
Karuppudaiyar Palli Vattam,
Singithurai,
Kayalpattinam Post,
Thoothukudi District.

... Petitioner

Vs

- 1.The District Collector,
Collectorate Building,
Thoothukudi District.
- 2.The Executive Engineer (Distribution)
Tamil Nadu Generation and Distribution Corporation Limited,
(TANGEDCO),
Tamil Nadu Electricity Board,
Tiruchendur,
Thoothukudi District.
- 3.The Assistant Executive Engineer (Distribution)
Tamil Nadu Generation and Distribution Corporation Limited,
(TANGEDCO),
Tamil Nadu Electricity Board,
Arumuganeri,
Thoothukudi District.



W.P.(MD)No.8300 of 2017

4. The Assistant Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
(TANGEDCO),
Tamil Nadu Electricity Board,
Kayalpattinam,
Thoothukudi District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the fourth respondent in Ka.No.Vu.Po/27/Kayal/Ko. 4.4/Ka.No.079/17 dated 15.04.2017 and quash the same.

For Petitioner : Mr.V.Malaiyendran

For Respondents : Mr.S.Deenadhayalan
Standing Counsel for R.2 to R.4

Mr.M.Sarangan
Additional Government Pleader for R.1

ORDER

Heard the learned counsel on either side.

2. The petitioner had put up a religious structure on the seashore. The petitioner wants electricity service connection for the same. The fourth respondent, by the impugned communication informed the petitioner that the



W.P.(MD)No.8300 of 2017

petitioner must get No Objection Certificate from the competent Authority.

Questioning the said communication, this writ petition came to be filed.

3. The case on hand is governed by Regulation 27 (12) of the Tamil Nadu Electricity Distribution Code, which reads as follows:

“27. Requisitions for Supply of Energy:

(12) If Supply shall be given in poramboke land on production of-

(i) No Objection certificate obtained from the Officer (not below the rank of Deputy Tahsildar) or

(ii) Where such No Objection Certificate could not be produced by the applicant for service connection the following undertaking shall be furnished:-

(1) "I am aware that I am liable to be evicted and for supply disconnection at any time if the lands are required by the Government and / or any dispute arises at a later date and that electricity supply given in this regard will not confer any claim on ownership of the land.

(2) I am aware that the above undertaking shall not confer permanent and full right to the ownership of the land.]”

4. Admittedly, the land on which the religious structure has been constructed does not belong to the petitioner. He does not have any title over the same. It is obviously a poramboke land. Since it is a seashore, it comes



W.P.(MD)No.8300 of 2017

under the Government of Tamil Nadu only. Unless the requirements set out in the aforesaid Regulation are fulfilled, grant of supply of electricity connection is not possible. The impugned communication does not call for any interference. The writ petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

22.06.2022

Index : Yes / No
Internet : Yes/ No

mga

To

- 1.The District Collector,
Collectorate Building,
Thoothukudi District.
- 2.The Executive Engineer (Distribution)
Tamil Nadu Generation and Distribution Corporation Limited,
(TANGEDCO),
Tamil Nadu Electricity Board,
Tiruchendur,
Thoothukudi District.
- 3.The Assistant Executive Engineer (Distribution)
Tamil Nadu Generation and Distribution Corporation Limited,
(TANGEDCO),
Tamil Nadu Electricity Board,
Arumuganeri,
Thoothukudi District.



W.P.(MD)No.8300 of 2017

4.The Assistant Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
(TANGEDCO),
Tamil Nadu Electricity Board,
Kayalpattinam,
Thoothukudi District.



WEB COPY



W.P.(MD)No.8300 of 2017

G.R.SWAMINATHAN, J.

mga

W.P.(MD)No.8300 of 2017

22.06.2022