



W.A.No.681 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2023

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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M.Ramathal

.. Appellant

Vs

The Executive Engineer,
Water Resources Organisation,
Kalingarayan Channel Division,
Lower Bhavani Basin Division,
Public Works Department,
Erode-638 002.

.. Respondent

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 02.12.2022 made in W.P.No.3507 of 2013.

For the Appellant : Mr.R.Marudhachalamurthy

For the Respondents : Mr.P.Muthukumar
State Government Pleader



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JUDGMENT

(Delivered by the Hon'ble Acting Chief Justice)

This writ appeal is directed against the order dated 2.12.2022 passed in W.P.No.3507 of 2013, whereby the learned Single Judge refused to grant the prayer made by the writ petitioner/appellant herein to direct the respondent to issue no objection certificate to the Tamil Nadu Electricity Board for granting electricity service connection to the appellant's well situated in Survey No.821/1G at Kullagoundenpudur, Punjai Kolanalli Village, Erode Taluk.

2. Learned counsel appearing for the appellant would submit that the appellant is having two wells in RSF No.821/2A, for which he had already obtained electricity service connection. When the appellant sought electricity service connection for the well situated in RSF No.821/1G, the same was refused by the respondent stating that RSF No.821/1G is situated within the prohibited area.

3. Learned counsel for the appellant further submitted that



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similarly placed persons were granted no objection certificate by the respondent although they are also within the prohibited area and the appellant cannot be discriminated.

4. On a perusal of the impugned order, it is seen that the aforesaid submission made by learned counsel for the appellant has been well considered by the learned Single Judge in paragraph 9 of the order holding that merely because some connections have been granted violating the Government Order, the same cannot be a ground to extend the same benefit to the appellant. We are in full agreement with the said finding arrived at by the learned Single Judge. No one can seek equality in illegality and this court cannot direct perpetuation of illegality. As rightly held by the learned Single Judge, merely because some service connections were granted in the prohibited area, the appellant as a matter of right cannot seek service connection claiming equality. We do not find any infirmity in the order passed by the learned Single Judge.



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5. Finding no merit in the writ appeal, the same is dismissed.

There will be no order as to costs.

(T.R., ACJ.) (D.B.C., J.)
28.03.2023

Index : Yes/No
Neutral Citation : Yes/No
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To

The Executive Engineer,
Water Resources Organisation,
Kalingarayan Channel Division,
Lower Bhavani Basin Division,
Public Works Department,
Erode-638 002.



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