



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2023

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THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.7576 of 2021
and
W.M.P.No.8092 of 2021

V.Palanisamy

.. Petitioner

Vs.

1.The Executive Engineer,
Public Works Department (WRO),
Mettur Dam Division,
Mettur – 636 401,
Salem District.

2.The Executive Engineer,
Tamil Nadu Electricity Board,
Operation & Maintenance,
Sankari,
Salem District.

3.The Executive Engineer,
Tamil Nadu Electricity Generation & Distribution Corporation,
Operation & Maintenance,
Edappadi,
Salem District.

... Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 3rd respondent to effect 10 HP agricultural electricity service connection in favour of the petitioner Well situated in S.F.No.408/2A1A at Thevoor Village, Sankari Taluk, Salem District by considering the petitioner's application dated 08.12.2020 without insisting no objection from the 1st respondent.

For Petitioner	.. Mr.R.Marudhachalamurthy
For R1	.. Mr.P.Rajarajeswari, Government Advocate
For R3 & R3	.. Mr.I.Syed Sibghatulla, Standing Counsel

ORDER

This writ petition has been filed in the nature of Mandamus seeking a direction to the 3rd respondent, Executive Engineer, Tamil Nadu Electricity Generation & Distribution Corporation, Operation & Maintenance, Edapaddi, Salem District to effect 10 HP agricultural electricity service connection in favour of the petitioner well situated at S.F.No.408/2A1A, Thevoor Village, Sankari Taluk, Salem.



2.The petitioner had given an application dated 08.12.2020 and claims that without insisting of a No Objection Certificate from the 1st respondent, such electricity service connection should be granted. The 1st respondent is the Executive Engineer, Public Works Department (WRO), Mettur Dam Division, Mettur, Salem. The 3rd respondent is the Executive Engineer, Tamil Nadu Electricity Generation & Distribution Corporation, Operation & Maintenance, Edapaddi, Salem District.

3.The petitioner is doing agricultural activity. He has a well. The water from the well is the source for cultivation of the crops. Naturally, for the well to draw water, electricity service connection is required. Originally, there was free agricultural electricity service connection provided to all the farmers. The petitioner was also of the opinion that he was eligible for the same. He therefore, made an application before the 3rd respondent seeking free electricity connection. This application was made on 08.12.2020 and thereafter, the petitioner was made to run from pillar to post. He had to get No Objection Certificate from the 1st respondent. Therefore, the petitioner went over the office of the 1st respondent seeking No Objection Certificate for grant of electricity connection.



4. However, the 1st respondent informed that there was an earlier instruction as early as 30.07.2002, that No Objection Certificate is not required from the PWD. The petitioner, therefore, had to go back to the 3rd respondent, informing him that the No Objection Certificate from the PWD is not required. The petitioner being quite frustrated had given a letter on 19.12.2020 and the 1st respondent again told him that he would consider the request.

5. The 1st respondent, however, issued a letter on 11.02.2021 that they had inspected the field and found that the well is situated in Sarabanga River and therefore, the petitioner will have to get No Objection Certificate from the 1st respondent. It is informed that the petitioner should also apply to the jurisdictional Tahsildar, to obtain in the first instance, a No Objection Certificate.

6. The following directions are therefore given,

(i) The petitioner may file an application before the jurisdictional Tahsildar, Sankagiri, seeking No Objection Certificate, particularly with respect to the location of the well on or before 23.02.2023.



(ii)The Tahsildar, is directed to process the application of the petitioner and make an inspection of the place where the well is and if the petitioner satisfies the conditions issue necessary certificate, which should be done on or before 03.03.2023.

(iii)Thereafter, if the Tahsildar, issues such certificate, copies may be given to the 1st and 3rd respondents and they must issue necessary certificate on or before 24.03.2023.

(iv)Let all certificates be issued in accordance with rules and guidelines and after recording personal satisfaction of the respondents herein. If any negative report is given, let necessary reasons for the same also be given.

7. With the above directions, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

15.02.2023

Index: Yes/No
Internet: Yes/No
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To

WEB COPY

1. The Assistant Engineer,
(Electricity)
Execution and Maintenance,
E.B. Office, Anguchettipalayam Post,
Panruti Taluk,
Cuddalore District.
2. The Executive Engineer,
Executive and Maintenance,
Electricity Board,
Panruti Post and Taluk,
Cuddalore District.
3. The Tashildar,
Taluk Office,
Panruti Post and Taluk,
Cuddalore District.



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C.V.KARTHIKEYAN,J.

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