



WEB COPY



W.P.No.9605 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **16.02.2023**

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.9605 of 2022

P.K.Chokkamuthu Vadivel

... Petitioner

Vs

- 1 The District Collector
Erode District.
- 2 The Revenue Divisional Officer
Erode Erode District.
- 3 The Tashildar
Kodumudi Taluk, Erode District.

4 C.Manicka Sundaram

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Certiorarified Mandamus to call for the records on the file of the 3rd respondent made in order No. O.Mu.No.2311/2021/A1 dated 09.11.2021, quash the same and consequently direct the respondents to provide No Objection Certificate for effecting electricity service connection to the petitioner's land and thus render justice.

For the Petitioner : Mr.P.Kannan Kumar

For the Respondents : Ms.P.Rajarajeswari,
Government Advocate,
for respondents 1 to 3



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ORDER

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The Writ petition has been filed in the nature of a Mandamus, seeking interference with an order of the third respondent, Tahsildhar, Kodumudi, in Erode District dated 09.11.2021 in No. O.Mu.No. 2311/2021/A1, and direct the respondents to provide a No Objection Certificate for effecting electricity service connection to the land of the petitioner.

2. There is a dispute between the petitioner and the fourth respondent. But that should not be a ground to deny grant of electricity connection.

3. The petitioner claims that he is the absolute owner of the land measuring two acres in R.S.No.193, covered under Patta No. 830 in Punai Kilambadi 'A' Village, Kodumudi Taluk, Erode.

4. The petitioner claims to do agriculture in the said lands.

5. Let me re-state that this only a claim of the petitioner. It is however stated by the learned Government counsel that the fourth respondent has some disputes with the petitioner herein. I am



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therefore not stating that the petitioner is the absolute owner but stating that he is doing agriculture in the said lands. The petitioner seeks electricity connection for the well in that particular land.

6. The Learned Government counsel stated even for providing electricity connection, the fourth respondent had raised objections. As on date, the entire matter is now pending consideration before the first respondent/District Collector, Erode.

7. Under directions of the District Collector, Erode/first respondent, the third respondent/Tahsildar had made an inspection of the lands. He had passed an order dated 09.11.2021, which is now impugned in this writ petition.

8. According to him he could not correlate the new Survey No. 193/1 of the petitioner with the old survey number. He had therefore returned back the file.

9. But, the learned counsel for the petitioner however placed reliance on a certificate of the Village Administrative Office wherein it had been stated that the new Survey No, RS No. 193/1 is equivalent to



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old Survey No. 547/B, 453 and 454. It had also been stated that in the chitta it had also been given that 193/16 relates to old Survey No. 193. The learned counsel also stated that these mutations are also reflected in the A register. It is therefore evident that the third respondent had not diligently inspected the lands. The order now under question is set aside.

10. A direction is issued to the third respondent to once again make an inspection on the basis of the certificate given by the Village Administrative Officer and before inspecting the lands, issue notice to the petitioner and also issue notice to the fourth respondent, identify the well and thereafter if electricity connection is to be granted obtain necessary undertaking that the grant of electricity connection would not indicate grant of title or recognition of title and that the electricity authorities are not competent to either decide title or declare title.

11. Thereafter, the first respondent may proceed further with the records which are now pending.

12. The Tashdilar/3rd respondent is directed to conduct such inspection on or before 10.03.2023 and thereafter the District Collector is to pass necessary orders on or before 30.04.2023.



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13. Writ petition stands disposed of. No costs.

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Index: Yes/no
mrn

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Kodumudi Taluk, Erode District.



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C.V.KARTHIKEYAN, J.
(mrn)

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