



W.P.No.23427 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2023

CORAM

MR.JUSTICE N.SESHASAYEE

W.P.No.23427 of 2023
and W.M.P.No.22962 of 2023

R. Ramachandran,

... Petitioner

Vs.

1.The Executive Engineer
Operation and Maintenance -
Tamilnadu Generation and
Distribution Corporation Limited
Namakkal District

2.The Assistant Executive Engineer
Operation and Maintenance -
Tamilnadu Generation and
Distribution Corporation Limited
Senthamangalam
Namakkal District

3.The Assistant Engineer
Operation and Maintenance -
Tamilnadu Generation and
Distribution Corporation Limited
Senthamangalam - South
Namakkal District

... Respondents



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PRAYER: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus calling for the record in Impugned order in Ka.No.UPO/EPA/the/Sendhai/VaAa/Ko.Thani/No.320/2022-23 issued by the 3rd Respondent by way of Communication dated 27.01.2023 and quash the same as illegal and consequently direct the 3rd Respondent to give electricity connection to the petitioner small scale industry having UDYAM registered number UDYAM-TN-14-0035221 located in Survey No. 12/3B1A1A, Pachudiyampatti Village, Namakkal District.

For Petitioner : Mr.R.Suryakumaran

For Respondents 1 to 3 : Mr.S.Kalaiselvan
Standing Counsel for TNEB

ORDER

By consent, this writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner is intend to commence a small scale industry in processing the waster sand from the Goldsmiths. According to the petitioner when this sand is processed, they can get some limited gold out of it. For this purpose, he has made all arrangements and only the environmental clearance remains to be obtained. In the meantime, the petitioner applied for electricity connection to the



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TANGEDCO. But the TANGEDCO vide its impugned communication dated 27.01.2023 has informed the petitioner that there is some public protest against granting of electricity connection.

3.Mr.S.Kalaiselvan, the Standing Counsel for TANGEDCO has taken notice for the respondents 1 to 3.

4.There are two parts to the petitioner's case. One, running the industry for which the clearance from the Pollution Control Board is necessary and second, obtaining electricity service connection from TANGEDCO.

5.This Court holds that the impugned communication from TANGEDCO on the face of it does not reject the petitioner's application for a service connection. However, he still needs to obtain environmental clearance from the Pollution Control Board. Therefore, the respondents herein are directed to keep the petitioner's application alive till he obtains necessary clearance from the Pollution Control Board.



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6.Turning to the critical information the TANGEDCO officials has provided vide the impugned communication that public raised objection to the petitioner commencing the business is concerned, this Court intends to remind the authorities that a section of public, essentially irresponsible, raise protest almost for everything and tries to blackmail those who want to do business. This is the state of affairs which the Court cannot afford to ignore. When the officials are empowered and authorised to do anything legitimate, then it has to be performed. If there is any obstruction, then the authorities must show the will to perform and can approach the police for help rather than falling meekly to the feet of irresponsible protesters. To state it differently, the authorities are informed to stay within the bounds of law and act, no matter what objection somebody may raise.

7.This writ petition is accordingly disposed of. No Costs. Consequently, the connected miscellaneous petition is closed.

10.08.2023

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Index : Yes / No

Neutral citation : yes/no



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N.SESHASAYEE, J.



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