



W.P(MD)Nos.1132 and 1133 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:23.03.2023

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).Nos.1132 and 1133 of 2022

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James

... Petitioner in WP(MD)No.1132 of 2022

Tamilselvi

... Petitioner in WP(MD)No.1133 of 2022

Vs

1.The Superintending Engineer,
Tamil Nadu Electricity Distribution Circle,
TANGEDCO, Theni, NRT Main Road,
NRT Nagar, Theni 625 531.

2.The Tahsildar,
Taluk Office, Uthamapalayam,
Theni 625 533.

3.The Assistant Electrical Engineer,
TANGEDCO, Uthamapalayam, Theni.

... Respondents in both petitions



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Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertain to impugned orders, dated 26.11.2021 passed by the third respondent in Ka.En.Oo.Mi.Po/Pa/Na.Ci/Va.Oo/Ko-En-252/2021 and Ka.En.Oo.Mi.Po/Pa/Na.Ci/Va.Oo/Ko-En-251/2021 respectively and quash the same and further direct the respondents to consider the representations, dated 18.10.2021 for providing new service line, within a time period as stipulated by this Court.

In both petitions:

For Petitioner	:Mr.T. Sivananthan
For R1 & R3	:Mr.S.Deenadayalan Standing Counsel
For R2	:Mr.J.Ashok Special Government Pleader

COMMON ORDER

WP(MD)No.1132 of 2022 had been filed by James, residing at 194/5, Paraimedu Street, Harijan Colony, Uthamapalayam, Theni District and WP(MD)No.1133 of 2022 had been filed by his wife Tamilselvi, residing at 100A/W2, Paraimedu Street, Harijan Colony, Uthamapalayam, Theni District.

2.In both the writ petitions, the orders of the third respondent, dated 26.11.2021 had been questioned and they sought for new service line in



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the aforementioned property, within the stipulated period.

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3.It is stated by the learned counsel for the third respondent that the land in question is a Government land. Therefore, no objection certificate will have to be produced by the Tahsildar, who had been impleaded as second respondent. It had been stated that indemnity bond cannot be accepted.

4.The third respondent is directed to inspect the place, where new electricity connection is sought for by the petitioners and find out as a fact whether the petitioners are in possession. If they are in possession, the third respondent may direct the petitioners to produce documents relating to their possession and examine the issue of granting new service line.

5.It is pertinent to note that the lands for which electricity connection is sought are Government Poramboke lands. Therefore, the petitioners can only get electricity connection, but they cannot claim title over the said lands. They can only possess the land. Their possession cannot be widened to give them any further relief.



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6.The second respondent Tahsildar is directed to get an undertaking affidavit from the petitioners to the effect that their right is limited only to possession. Thereafter, the third respondent may proceed to give new service connection to the petitioners. The said exercise should be completed by the respondents within a period of twelve weeks, from the date of receipt of a copy of this order.

7.It is stated that the petitioners have already deposited charges. While granting service connection, the amount already paid by the petitioners, if any, may be adjusted towards the amount to be raised by the third respondent.

8.With the above directions, these writ petitions stand disposed of. No costs.

23.03.2023

NCS :Yes/No
Index :Yes/No
Internet:Yes/No

PNM



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To

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- 2.The Tahsildar,
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C.V.KARTHIKEYAN,J.

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COMMON ORDER IN
W.P(MD).Nos.1132 and 1133 of 2022

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