



W.P.(MD)No.21021 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.21021 of 2014

M.Ravi Ram

... Petitioner

versus

1. The Junior Engineer,
Tamilnadu Generation & Distribution
Corporation Limited – Electricity
Distribution Circle,
Avudaiyanoor,
Tirunelveli District.
2. The Assistant Executive Engineer.
Tamilnadu Generation & Distribution
Corporation Limited – Electricity
Distribution Circle,
Surandai,
Tirunelveli District.
3. The Superintending Engineer,
Tamilnadu Generation & Distribution
Corporation Limited – Electricity
Distribution Circle,
Maharaja Nagar,
Tirunelveli District.

... Respondents



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WEB COPY Writ Petitions filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the first respondent to consider the petitioner's representation dated 01.12.2014 to order not to provide the electricity connection to an unauthorized occupant in the disputed site in the Survey No.1075/10 in the Pulavanoor Village under Keela Kadayam Village Administrative Officer, Ambasamudram Taluk, Tirunelveli District, based on his representation.

For Petitioner : Mr.B.Char Murugav
For Respondents : Mr.S.Shaji Bino,
Special Government Pleader

ORDER

This writ petition is filed for a Mandamus not to provide electricity connection to an unauthorized occupant in the disputed site in Survey No.1075/10 at Pulavanoor Village, Ambasamudram Taluk, Tirunelveli District, based on the petitioner's representation dated 01.12.2014.



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2. The petitioner, a neighbour to Survey No.1075/10, claims that the land in Survey No.1075/10 is a government poramboke land and a RC Church has been established by encroaching the said land and the encroachers are also attempting to get service connection from the Electricity Board and therefore, he filed this writ petition.

3. The learned counsel for the petitioner submits that a RC Church was established in Survey No.1075/10, which is a government poramboke land and without ascertaining the same, the respondent Board is also attempting to give electricity service connection by legalizing the encroachment made by RC Church.

4. The learned Standing Counsel appearing for TANGEDCO submits that the Procurator, RC Church, Pulavanoor, has given an application to give electricity service connection to the RC Church at S.F.No.1075/10 in Pulavanoor Village on 10.12.2014 and the service connection was granted by the second respondent vide his proceedings



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dated 11.12.2014, for which, a necessary fee of Rs.1600/- was collected and the service connection was effected in S.C.No.039 044.785 on 16.12.2014 based on the documents, given by Procurator, RC Diocese of Palayancottai, namely, (i) document copy of S.F.No.1075/10; (ii) a letter copy of the Thasildar for issuing the Patta of S.F.No.1075/10; (iii) document copy of the above land; (iv) copy of proceedings of Sub-Collector, Cheranmahadevi; (v) copy of proceedings of District Collector, Tirunelveli. He further submits that there is an alternate remedy available to the petitioner before the CGRF (Consumer Grievance Redressal Forum) and the Tamil Nadu Electricity Ombudsmen functioning in terms of Section 42(5) to 42(7) of the Electricity Act 2003 and regulation 18 of the Tamil Nadu Electricity Supply Code, 2004 and regulation 27(16) of the Tamil Nadu Electricity Distribution Code 2004. However, the petitioner, without resorting the said remedy, straight away filed this writ petition before this Court.



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5. This Court considered the rival submissions made and perused the materials placed on record.

6. The petitioner claims that the land in Survey No.1075/10 is a government poramboke land and a RC Church has been established by encroaching the said land. However, the said RC Church has not been added as a party in this writ petition.

7. Per contra, the respondent Board claims that after satisfying the documents produced by the Procurator of the RC church, they have provided the electricity service connection to the Church.

8. The learned Standing Counsel has also referred about the alternative remedy available to the petitioner before the Consumer Grievance Redressal Forum and also before the Tamil Nadu Electricity Ombudsmen.



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9. In view of the above, the writ petition is disposed of with liberty to the petitioner to work out his remedy either before the Consumer Grievance Redressal Forum or before the Tamil Nadu Electricity Ombudsmen. No costs.

14.03.2023

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

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B.PUGALENDHI, J.

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