



W.P(MD)No.12645 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 31.08.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.12645 of 2015

P.V.Nayagam

... Petitioner

Vs.

1.The Executive Engineer Urban,
(Distribution),
Tamilnadu Generation and Distribution
Corporation Ltd.,
(TANGEDCO), Tirunelveli,
Tirunelveli District.

2.TTamilnadu Generation and Distribution
Corporation Ltd.,
(TANGEDCO), 144, Anna Salai,
Chennai 600 002.
Rep.By its Chairman.

3.The Tahsildar,
Palayamkottai Taluk,
Tirunelveli District.

... Respondents

*(R3 is suo motu impleaded vide order
31.08.2023 in W.P.(MD)No.12645 of 2015 by
GRSJ)*



W.P(MD)No.12645 of 2015

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the proceedings of the 1st respondent in Ka.No.Soo.Poo/Na.Pa/Thi.Li/Thoo.Nu.21/Koo.Mu.Ka.Manu/Na.No. 2610/15 dated 08.06.15 and quash the same and consequently direct the respondents to provide Electricity Service connection to Arulmigu Sudalaimadswamy Temple, situated in Kottur Road, Palayamkottai, in old Town Survey No.208/6 New Town Survey No.49/5 of Thimmarajapuram Village, Palayamkottai Taluk, Tirunelveli District within a period that may be fixed by this Court without insisting the “No Objection certificate” from the District Collector.

For Petitioner : Mr.V.Kannan

For Respondents : Mr.S.Deenadhayalan,
Standing Counsel for R1 & R2.
Mr.N.Satheesh Kumar,
Addl. Government Pleader for R3.

ORDER

The petitioner is a senior citizen. He states that their family deity is Arulmigu Sudalaimadswamy and that the temple is located in the petition mentioned survey number. He wants electricity connection for the temple. When he approached TANGEDCO, he was informed that



W.P(MD)No.12645 of 2015

unless the petitioner obtains no objection certificate from the jurisdictional Tahsildar, it is not possible for them to grant relief. That led to the filing of this writ petition.

2.The order impugned in the writ petition cannot be faulted. The Regulation 27(12) of the Tamil Nadu Electricity Distribution Code, 2004 is as follows:-

“27. Requisitions for Supply of Energy:

(12) [Supply shall be given in poromboke land on production of-

(i) No Objection certificate obtained from the Officer (not below the rank of Deputy Tahsildar) or

(ii) Where such No Objection Certificate could not be produced by the applicant for service connection the following undertaking shall be furnished:- .

(1) "I am aware that I am liable to be evicted and for supply disconnection at any time if the lands are required by the Government and / or any dispute arises at a later date and that electricity supply given in this regard will not confer any claim on ownership of the land.

(2) I am aware that the above undertaking shall not confer permanent and full right to the ownership of the land.] ”



W.P(MD)No.12645 of 2015

3.The learned counsel for the petitioner drew my attention to the order dated 15.04.2013 made in W.P.(MD)No.3769 of 2013. The petitioner shall approach the impleaded third respondent and execute an affidavit before the Tahsildar undertaking to vacate the property in the event of the Government requiring the same. On execution of the affidavit, the third respondent shall give no objection certificate. The petitioner can thereafter move the Assistant Engineer, TANGEDCO, Samathanapuram with all the relevant documents. The petitioner shall execute indemnity bond in Annexure – III. The petitioner shall carryout all these formalities through online mode. He will have to pay security deposit twice the normal rate. Upon the petitioner fulfilling all these formalities, the jurisdictional Assistant Engineer shall provide electricity service connection to the petition mentioned temple immediately thereafter.

4.This writ petition is allowed on these terms. No costs.

31.08.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias



W.P(MD)No.12645 of 2015

WEB COPY

To:-

The Tahsildar,
Palayamkottai Taluk,
Tirunelveli District.



WEB COPY



W.P(MD)No.12645 of 2015

G.R.SWAMINATHAN, J.

ias

W.P(MD)No.12645 of 2015

31.08.2023
(1/2)