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W.P. No.2776 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2024

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. No.2776 of 2022

ATC Telecom Infrastructure Pvt. Ltd.,
Rep. By Power of Attorney
N. Senathipathi

.... Petitioner

Versus

1. The Superintendent Engineer,
TANGEDCO,
Gudalur,
Udhagamandalam,
Nilgiris District.

2. The Assistant Engineer,
O & M,
TANGEDCO,
Gudalur,
Nilgiris District.

3. The Tahsildar,
Gudalur,
Nilgiris District.

.... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus calling for the records on the file of 2nd respondent pertaining to the petitioner's application, dated 17.09.2021 and quash the order dated Nil cancelling the application of the petitioner for non-production of ownership certificate from 3rd respondent and consequently direct the 1st and 2nd respondent to process afresh the



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application, dated 17.09.2021 re-submitted by petitioner on 07.01.2022, in accordance with law and grant a new service connection, without insisting on ownership certificate, in a time bound manner.

For Petitioner : Mr.J. Ravikumar
For Respondents : Mr.L. Jai Venkatesh for R1 & R2
Mr.L.S.M. Hasan Fizal
Addl. Govt. Pleader for R3

ORDER

This writ petition has been filed to call for the records on the file of the 2nd respondent pertaining to the petitioner's application dated 17.09.2021 and quash the order dated Nil cancelling the application of the petitioner for non-production of ownership certificate from 3rd respondent and for a consequential direction to the respondents 1 & 2 to process afresh the application re-submitted by the petitioner on 07.01.2022, in accordance with law and grant a new service connection, without insisting on ownership certificate, in a time bound manner.

2. It is averred in the affidavit filed in support of this petition that the petitioner has been engaged in the business of installing and operating Telecommunication towers. Pursuant to a Lease Deed entered with the owner of the subject land, the petitioner has applied for grant of new commercial low tension service connection with the 2nd respondent vide application dated 17.09.2021 along with requisite documents and



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necessary charges were also paid. It is the case of the petitioner that the 2nd respondent rejected his application for non-production of ownership certificate and he came to know about the said rejection from the official website of the respondents, wherein it has been mentioned as “application cancelled”. Again, he re-submitted the application on 07.01.2022 along with fresh indemnity letter. However, the 2nd respondent, without considering the same has passed the impugned order dated Nil, rejecting the application of the petitioner for grant of electricity service connection. Hence, the petitioner has approached this Court with the aforesaid prayer.

3. Learned counsel for the petitioner submitted that the petitioner has submitted lease agreement between the petitioner and the land owner and the consent letter obtained from the owner of the subject property along with the application for new electricity service connection. Further, he submitted that through on-line portal, the petitioner came to know about the status of rejection order. Hence, the demand of the 2nd respondent insisting upon production of ownership certificate issued by the 3rd respondent is unwarranted under the Electricity Act and therefore, the impugned order rejecting the application of the petitioner is illegal and non-est in law. In view of the above, he prays for quashment of the impugned order as well as sought for appropriate directions to the



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respondents.

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4. Reiterating the counter affidavit of the 2nd respondent, the learned Standing counsel appearing for the respondents 1 and 2 submitted that since the subject lands come under Tamil Nadu Preservation of Private Forest Act, the petitioner has to produce latest ownership certificate / No Objection Certificate from the 3rd respondent. Further, he submitted that as per the directions issued by the Hon'ble Apex Court in its judgment dated 12.12.1996, it has been held that in case of Janmam lands, No Objection Certificate from the Tahsildar / competent authority is mandatory for effecting service connection. Without complying the said mandatory procedure, the petitioner has knocked the doors of this Court, which is unsustainable and thus, he prays for mere dismissal of this writ petition.

5. Replying to the above submissions, on instructions, the learned counsel for the petitioner contended that the petitioner may be permitted to submit fresh application to the respondents for electricity service connection and this Court may issue appropriate directions to the respondents to consider the same, within a stipulated time to be fixed.

6. Heard the rival submissions made by the learned counsel on either side and perused the materials placed on record.



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7. Considering the limited request sought for by the petitioner, this Court, without going into the merits of the case, directs the petitioner to submit fresh application along with all requisite documents, including the ownership certificate, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the respondents shall consider the same and pass orders on merits and in accordance with law, within a period of four weeks thereafter.

8. With the above directions, this writ petition is disposed of. No costs.

06.08.2024

Index : Yes / No
Internet: Yes/No
Speaking Order/Non-Speaking Order
vsi2

To
1. The Superintendent Engineer,
TANGEDCO,
Gudalur,
Udhagamandalam,
Nilgiris District.

2. The Assistant Engineer,
O & M,
TANGEDCO,

<https://www.mhc.tn.gov.in/judis>



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Gudalur,
Nilgiris District.

3. The Tahsildar,
Gudalur,
Nilgiris District.



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M.DHANDAPANI, J.

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