



W.P.No.26591 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.26591 of 2023

And

W.M.P.No.29559 of 2024

P.K.Chokkamuthu Vaidvel

... Petitioner

Vs.

1.The District Collector,
Erode,
Erode District.

2.The Revenue Divisional Officer,
Erode,
Erode District.

3.The Tashildar,
Kodumudi,
Kodumudi Taluk,
Erode District.

4.C.Manicka Sundaram

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records on the file of the first respondent made in order Na.Ka.No.5108/2022/A2, dated 08.05.2023 and quash the same and consequently direct the



W.P.No.26591 of 2023

respondents to provide No Objection Certificate for effecting electricity service connection to the petitioner's land.

For Petitioner : Mr.Kaithamalai Kumaran
for Mr.P.Kannan Kumar

For Respondents : Mr.U.Baranidharan for R1 to R3
Additional Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus to call for the records on the file of the first respondent made in order Na.Ka.No.5108/2022/A2, dated 08.05.2023 and quash the same and consequently direct the respondents to provide No Objection Certificate for effecting electricity service connection to the petitioner's land.

2.The case of the petitioner is that the petitioner is the owner of the lands measuring an extent of 2 acres comprised in R.S.No.193, patta no.830 in Punjaikilambadi 'A' Village, Kodumudi Taluk, Erode and there is a pipeline connecting Kalingarayan Canal to his well and the petitioner was drawing water from the well for irrigation purpose by using oil engine and since it was expensive, he decided to install electric motor and hence made representation to the first respondent



W.P.No.26591 of 2023

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seeking permission to install electric motor for irrigation purpose and the first respondent directed the third respondent to take appropriate action and since no action was taken, the petitioner once again made representation before the first respondent, pursuant to which, the impugned order was passed. Hence this writ petition.

3.The learned counsel appearing for the petitioner submitted that the impugned order was passed on the ground that the petitioner did not obtain no objection certificate from the co-owners and the fourth respondent who is one of the co-owner made objections. The learned counsel further submitted that unnecessarily, the fourth respondent made objections which cannot be entertained. Hence, this Court may issue direction to the official respondents to provide No Objection Certificate for effecting electricity service connection to the petitioner's land.

4.Per contra, the learned Additional Government Pleader appearing for the respondents 1 to 3 submitted that patta no.830 corresponding to SF No.193/16 of Punjaikilambadi 'A' Village stand in the name of 24 persons including the petitioner and the petitioner has



W.P.No.26591 of 2023

not clearly defined and proved how much extent he is entitled to. He further submitted that that there is no water coming directly to the petitioner's well from the Kalingarayan Canal and it cannot be treated as Duravu well. He further submitted that since the petitioner's well is not termed as Duravu well and the extent of land he owns is not clear, permission for installing electric motor cannot be granted.

5.Heard the arguments advanced on either side and perused the materials available on record.

6.Perusal of records disclose that patta no.830 corresponding to SF No.193/16 of Punjaikilambadi 'A' Village stand in the name of 24 persons including the petitioner. Unless the petitioner obtain no objection certificate from the other 23 persons, the relief sought for by the petitioner cannot be granted.

7.The writ petition is dismissed. However, liberty is granted to the petitioner to dig regular well in the land owned by him and make fresh application to the official respondents seeking permission to install electric motor in the said well for irrigation purpose. If any such



W.P.No.26591 of 2023

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application is filed by the petitioner, the official respondents shall consider the same and pass appropriate orders. No costs. Consequently, the connected miscellaneous petition is closed.

30.09.2024

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

- 1.The District Collector,
Erode,
Erode District.
- 2.The Revenue Divisional Officer,
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Erode District.
- 3.The Tashildar,
Kodumudi,
Kodumudi Taluk,
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W.P.No.26591 of 2023

M.DHANDAPANI,J.
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W.P.No.26591 of 2023
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30.09.2024