



WEB COPY

W.P.No.36541 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.36541 of 2023

and

W.M.P.Nos.36523, 26526, 36528 & 36530 of 2023

G.Venkatesan

... Petitioner

Vs.

1.The Chairman,
Consumer Grievance Redressal Forum,
Chengalpattu Electricity Distribution Circle,
No.130, G.S.T. Road, Chengalpattu.

2.The Executive Engineer,
O & M Chengalpattu,
No.1C, A & B, R.V.Street,
GST Road, Chengalpattu – 603 001.

3.The Assistant Engineer,
Chengalpattu – South,
Chengalpattu Electricity,
Distribution Circle,
Chengalpattu.

4.The Adjudicator,
Tamil Nadu Electricity Ombudsman,
4th Floor, SIDCO Corporate Office Building,
Thiru-vi-Ka Industrial Estate,
Guindy, Chennai 600 032.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the Chairman, Consumer Grievance Redressal Forum, Chengalpattu Electricity Distribution Circle, Chengalpttu / 1st respondent herein, in CGRF/CGL/No.119/22 dated 12.12.2022 and the order of the Tamil Nadu Electricity Ombudsman, Guindy, Chennai / 4th respondent herein, in Review Application in Letter No.T.N.Mi.Ku.N.No.402/A.No.1065/2023 dated 08.08.2023 confirming its own order in Appeal No.19/2023 dated 16.05.2023, to quash the same and consequently to direct the respondents 1 to 3, to give electricity connection to the petitioner, without insisting upon No Objection Certificate from the Tamilnadu Housing Board.

For Petitioner : Mr.M.Gnanasekar

For Respondents : Mr.Enock Anand
For Mr.L.Jai Venkatesh
Standing Counsel

ORDER

The writ has been instituted to call for the records pertaining to the order passed by the Chairman, Consumer Grievance Redressal Forum, Chengalpattu Electricity Distribution Circle, Chengalpttu / 1st respondent herein, in CGRF/CGL/No.119/22 dated 12.12.2022 and the order of the



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Tamil Nadu Electricity Ombudsman, Guindy, Chennai / 4th respondent herein,
in Review Application in Letter No.T.N.Mi.Ku.N.No.402/ A.No.1065/2023
dated 08.08.2023 confirming its own order in Appeal No.19/2023 dated
16.05.2023, to quash the same and consequently to direct the respondents 1
to 3, to give electricity connection to the petitioner, without insisting upon No
Objection Certificate from the Tamil Nadu Housing Board.

2. The petitioner states that he is residing in plot S.No.87/2A of
Alapakkam Village, Chengalpattu Taluk and admittedly, the subject land has
been classified as "Government Poramboke land" in revenue records. The
petitioner applied for electricity connection to the residence on 15.04.2022 to
the 3rd respondent through online. Thereafter, the application submitted by
the petitioner was not considered. Therefore, the petitioner preferred a petition before
the Chairman, Consumer Grievance Redressal Forum, Chengalpattu and the
following order has been issued:

*“As per the para in findings, the petitioner
should submit the No Objection Certificate
obtained from the concerned officer of the
Government of Tamil Nadu, “as per the TERC*



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District Code 27 (12) for getting new service connection in poromboke land, and hence the petition is closed.

If the petitioner is not satisfied with this order, he has the right to file an appeal before the OMBUDSMAN, 4th Floor, SIDCO Corporate Office Building, Thiru-vi-Ka Industrial Estate, Guindy, Chennai 600 032 within 30 days from receipt of this order...”

3. As far as the encroachers are concerned for securing electricity service connection, they have to get no objection certificate from the Tahsildar as per Regulation 27 Clause 12 of Electricity Distribution Code. The Electricity Board is empowered to provide electricity service connection if the above regulation has been complied with by the applicant.

4. In respect of the encroachment of the Government lands, water bodies etc. are concerned, there must be coordination between various Departments of the Government so that the encroachments in water bodies are not allowed. Encroachment in government lands are liable to be removed if the lands are required for public purposes. In such circumstances, the



encroachers, if eligible and homeless poor persons, they have to submit an application seeking assignment of house site or tenement, as the case may be.

Contrarily persons cannot encroach upon the government land at their choice and claim right over such property.

5. Encroachment of Government land are infringing the public right. When the Government lands belong to the people of our great nation and the Government is duty bound to protect the public land and utilise the same to subserve the public good. Therefore, the Government, at all circumstances, is bound to protect the public lands in the interest of public.

6. If the petitioner is a homeless poor person, he is at liberty to submit an application to the competent authority for assignment of free house site under the Government welfare scheme or a tenement through Tamil Nadu Urban Habitat Development Board. Contrarily he cannot encroach upon a Government land and claim electricity service connection as a matter of right. Even in respect of government Poramboke land, service connection can be provided only in compliance with the Regulation No.27 clause 12 of distribution code. Therefore, the claim of the petitioner cannot be considered.



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7. Accordingly, the Writ Petition stands dismissed. Consequently, connected Miscellaneous Petitions are closed. No costs.

04.04.2024

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Index : Yes
Speaking order
Neutral Citation : Yes

To

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S.M.SUBRAMANIAM, J.

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