



W.P.No.36445 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.36445 of 2023

R.Shanmugam

... Petitioner

Vs.

1. The Tamilnadu Electricity Board,
Rep By Its Chairman,
10th Floor N.P.K.K.R Maligai,
144, Anna Salai, Chennai-600 002.

2. The Assistant Engineer,
The Tamil Nadu Electricity Board,
Lakshmipuram TANGEDCO / CEDC/
North Chennai-600 099

... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, to direct the 2nd respondent to provide the electricity connection in the name of the petitioner's premises viz Door No.152, Baratha Raju Gandhi 3rd street, Kolathur, Thiruvallur District-600 099.

For Petitioner : Mr. A.S.Mujibur Rahman

For Respondents : Mr.S.Enock Anand for
Mr.L.Jai Venkatesh



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W.P.No.36445 of 2023

ORDER

The writ of mandamus has been instituted to direct the 2nd respondent to provide the electricity connection in the name of the petitioner's premises viz Door No.152, Baratha Raju Gandhi 3rd street, Kolathur, Thiruvallur District-600 099.

2. The petitioner states that he is in possession and enjoyment of Door No.152, Baratha Raju Gandhi 3rd street, Kolathur, Thiruvallur District-600 099. Admittedly, the subject land has been classified as "Government Poramboke land" in revenue records. The revenue authorities issue a 'B' memo in favour of the petitioner, which would shows that the petitioner is an encroacher.

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 Board. The Electricity Board is empowered to provide electricity service connection if the above regulation has been complied with by the applicant.



W.P.No.36445 of 2023

WEB COPY

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 is liable to be removed at any point of time 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.



W.P.No.36445 of 2023

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.

7. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

04.04.2024

Index : Yes
Speaking Order
Neutral Citation : Yes
(sha)



W.P.No.36445 of 2023

WEB COPY To

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S.M.SUBRAMANIAM. J.,

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