



W.P.(MD)No.26032 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 20.11.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.26032 of 2024
and
W.M.P.(MD)No.22078 of 2024

Samuthira Mary

... Petitioner

Vs.

1.The District Collector,
Pudukkottai District.

2.The Tahsildar,
Kulathur,
Pudukkottai District.

3.The Assistant Engineer (Operation and Maintenance),
Tamil Nadu Generation and Distribution Corporation Ltd.,
T-Nallur,
Trichy Road,
Pudukkottai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the third respondent dated 29.07.2020, for cancelling the petitioner's application No.20006166022018 for electricity service connection to the house No.604 in S.No.67 situated at Vadakku Thuvaravayal Oddukkur Post, Kulathur Taluk, Pudukkottai District and quash the same as illegal and arbitrary and in consequences thereof direct the third respondent to give electricity service connection to the petitioner house at once.



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For Petitioner : Mr.S.Silverster Raj
For Respondents 1 & 2 : Mr.D.Gandhiraj
Special Government Pleader
For 3rd Respondent : Mr.S.Deenadhayalan
Standing Counsel

ORDER

The prayer in the Writ Petition reads as follows:-

“To issue a Writ of Certiorarified Mandamus, calling for the records of the third respondent dated 29.07.2020, for cancelling the petitioner's application No.20006166022018 for electricity service connection to the house No.604 in S.No.67 situated at Vadakku Thuvaravayal Oddukkur Post, Kulathur Taluk, Pudukkottai District and quash the same as illegal and arbitrary and in consequences thereof direct the third respondent to give electricity service connection to the petitioner house at once.”

2.Heard the learned counsel appearing for the petitioner, the learned Special Government Pleader appearing for the respondents 1 and 2, the learned Standing Counsel appearing for the 3rd respondent and carefully perused the entire materials available on record.

3.The petitioner seeks grant of electricity connection to his house bearing Door No.604/07, in Survey No.67 situated at Vadakku Thuvaravayal Oddukkur Post, Kulathur Taluk, Pudukkottai District. For which, he made an Application No.20006166022018 before the third respondent. However, his application came to be rejected by the impugned order, dated 29.07.2020. Challenging the same, this Writ Petition came to be



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4.The learned Standing Counsel appearing for the 3rd respondent on instructions submitted that the application of the petitioner cannot be positively considered for the sole reason that the petitioner is situated in a water body.

5.Without objecting the submission made by the learned Standing Counsel for the third respondent, the learned counsel for the petitioner relying upon the order passed by this Court in W.P.(MD)No.17972 of 2024 dated 31.07.2024, required this Court to pass a similar order and the relevant portion of the same is extracted as follows:-

“2.The petitioner seeks grant of electricity service connection. The petitioner-s premises have been put up on a poramboke land. The TANGEDCO officials insisted on production of NOC from the revenue authority. The revenue authority is unable to furnish NOC because the site is located in a water body.

3.I can very well understand the hesitation on the part of the revenue authorities. But when, the adjacent houses of the petitioner have already been granted electricity service connection, the petitioner cannot be deprived. Electricity is a fundamental amenity. Therefore, the third respondent is directed to provide electricity service connection to the petitioner subject to fulfilment of the other usual formalities. NOC from the Tahsildar will not be insisted upon. This shall be done as expeditiously as possible. The petitioner cannot take advantage of the fact that this Court directed grant of



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electricity service connection and if the authorities take action for restoring the water~body, this order will not come to the rescue of the petitioner.

4.With this caveat, this writ petition stands allowed.”

Fully fortified by the aforesaid order, though the petitioner's house situated in a water body, considering fact that the electricity is a basic amenity for livelihood, the third respondent is hereby directed to provide electricity connection to the petitioner subject to fulfilment of the other usual formalities, without insisting No Objection Certificate from the Tahsildar, as expeditiously as possible. It is needless to state that the petitioner should not take advantage of the fact that this Court has directed grant of electricity service connection and if the authorities take action for restoring the water~body, this order will not come to the rescue of the petitioner.

6.With the above directions, the Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

20.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn



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To

- 1.The District Collector,
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L.VICTORIA GOWRI, J.

Mrn

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