



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 17-03-2025**

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**THE HONOURABLE MR JUSTICE J.SATHYA NARAYANA PRASAD**

**WP No. 39561 of 2016**

**and**

**WMP.Nos.33843 to 33845 of 2016**

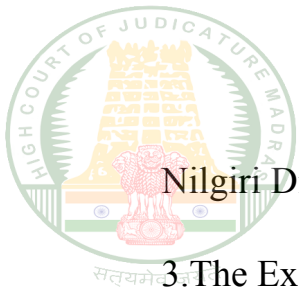
D.Sankaran,  
S/o.Devaraya Gounder, Door No.8/33,  
Begumhall Mugaam, Keithai,  
Kzhekuntha (Special Grade) Town  
Panchayat, Kuntha Taluk,  
Nilgiri District.

Petitioner(s)

Vs

1. The Assistant Engineer,  
Operation and Maintenance,  
Tamil Nadu Generation and  
Distribution Corporation Ltd.,  
Kuntha, Nilgiri District.

2.The Assistant Engineer,  
Serial Department, Tamil Nadu  
Generation and Distribution  
Corporation Ltd., Kuntha,



Nilgiri District.

3. The Executive Officer,  
Kzhekuntha (Special Grade) Town  
Panchayat, Kuntha Taluk,  
Nilgiri District.

Respondent(s)

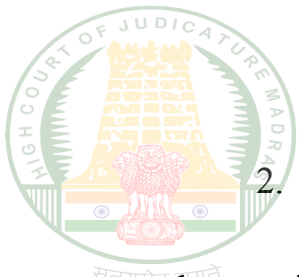
**PRAYER** Writ Petition filed under Article 226 of Constitution of India, seeking for an issuance of writ of certiorari, calling for the records of the 3rd respondent in Na.Ka.No.622 of 2016 dated 19.08.2016 and quash the same.

For Petitioner(s): M/s.A.Sundaravadhanan

For Respondent(s): Mr.L.Jai Venkatesh  
Standing Counsel for R1 & R2  
2.Mr.M.Rajendiran  
Additional Government Pleader  
for R3

**ORDER**

The writ petition is filed to quash the order passed by the third respondent in Na.Ka.No.622 of 2016 dated 19.08.2016, wherein the Ownership Cum No Objection Certificate given to the petitioner was cancelled.



2. Learned Counsel appearing for the petitioner would submit that the

above said order has been passed without giving due notice and opportunity of personal hearing to the petitioner. Hence the same is in violation of principles of natural justice.

3. Learned Counsel for the petitioner would further submit that the petitioner has also given representation dated 12.09.2016 to the second and third respondent and till date no action has been taken by the concerned respondents.

4. The counter affidavit filed by the first and second respondent dated 05.11.2016 reveals that the petitioner had obtained Ownership Cum No Objection Certificate to his mud hut bearing No.8/33 from the third respondent based on the property tax paid. On inspection by the first and second respondent, the petitioner had constructed a new house very close to the mud hut and cheated the Authorities that the mud hut was renovated with asbestos sheet. The Ownership cum No Objection Certificate was initially issued for obtaining electricity service connection for the old mud hut. But the petitioner



had constructed a new house very close to the old hut without obtaining any building approval from the concerned Authorities.

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5. Learned Standing Counsel appearing for the respondents 1 and 2 would submit the petitioner's father late Mr.Devaraya Gounder has encroached upon the TANGEDCO property and built a mud hut. The mud hut was built by the petitioner's father in TANGEDCO land bearing Patta No.126, New Survey No.910 of Kilkundah-1 Village Panchayat, Pegumballa Mugam, Geddai, Kundah Taluk, Nilgris District.

6. He would further submit that the past several years, the above mud hut was provided with electricity service connection and even water connection and the petitioner approached the first respondent for effecting new electricity service connection to his house bearing Door No.8/33, Pegumballa Mugam, Geddai, Kilkundah - 1 Village Panchayat, Geddai, Kundah Taluk, Nilgris District. The petitioner produced property tax, Ownership Certificate cum No Objection Certificate issued by the third respondent herein.



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7. Learned Additional Public Prosecutor appearing for the third respondent would submit that since the petitioner's land belongs to the first and second respondent TANGEDCO and the Ownership Certificate Cum No Objection Certificate obtained by the petitioner from the third respondent Panchayat, was cancelled by the third respondent *vide* impugned order dated 19.08.2016.

8. Heard both sides and perused the materials available on record.

9. The impugned order dated 19.08.2016 issued by the third respondent cancelling the Ownership Certificate Cum No objection Certificate is without giving due notice and opportunity of personal hearing to the petitioner, which is in violation of principles of natural justice. Hence, the impugned order is liable to be set aside. Accordingly, the same is set aside.

10. Since the earlier representation given by the petitioner is of the year 2016, the petitioner is directed to submit a fresh representation to the third



respondent Panchayat within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the third respondent Panchayat is directed to give due notice to the petitioner, opportunity of personal hearing, consider the documents filed by the petitioner and pass appropriate orders on merits, in accordance with law, within a period of eight weeks thereafter.

11. The Writ Petition is disposed of with the above observation and directions. No costs. Consequently, connected miscellaneous petitions are closed.

**17-03-2025**

veda

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

1. The Assistant Engineer,  
Operation and Maintenance, Tamil  
Nadu Generation and Distribution  
Corporation Ltd., Kuntha, Nilgiri  
District.

2. The Assistant Engineer,  
Serial Department, Tamil Nadu  
Generation and Distribution  
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3. The Executive Officer,  
Kzhekuntha (Special Grade) Town  
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