



W.P.No.33148 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED 02.09.2025

CORAM

THE HONOURABLE Mr.JUSTICE **M.DHANDAPANI**

W.P.No.33148 of 2025

R.KUMAR

Petitioner

Versus

1. THE CHAIRMAN

TANGEDCO, TAMILNADU GENERATION AND DISTRIBUTION
CORPORATION LIMITED, 144, ANNA SALAI, CHENNAI

2. THE ASSISTANT ENGINEER/ O &M

TAMIL NADU GENERATION AND DISTRIBUTION
CORPORATION LIMITED, KADAYAMPATTI TALUK, SALEM
DISTRICT

3. THE TAHSILDAR

KADAYAMPATTI TALUK, SALEM DISTRICT

4. THE ASSISTANT DIVISIONAL ENGINEER

HIGHWAYS DEPARTMENT, OMALUR

SALEM
DISTRICT

Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 4 to take appropriate action for providing electricity service connections to



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the petitioner's house bearing address Door No. 44/45 , Bommiyampatti
Mel Kombai, Kadayampatti North Salem.

For Petitioner : Mr.C.Mutharasu

For Respondents : Mr.I.Syed Sibghatualla for R1 and R2
Mr.G.Velu for R3 and R4
Additional Government Pleader

ORDER

This Writ Petition has been filed directing the respondents 1 to 4 to take appropriate action for providing electricity service connections to the petitioner's house bearing address Door No. 44/45, Bommiyampatti Mel Kombai, Kadayampatti North Salem.

2. The learned counsel for the petitioner would submit that the petitioner has constructed a house in poramboke land, further, the petitioner and others submitted a representation to the 3rd respondent for obtaining no objection certificate for electricity service connections from the respondents 1 and 2, since the same has not been considered, the petitioner has come up with the present petition. Further, the issue in this Writ Petition has already been decided by this Court in W.P.No.17233 of 2021 dated 18.08.2021 and hence pleaded that the same indulgence shall be shown to this petitioner also.

3. Per contra, the learned counsels appearing on behalf of the



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respondents would contend that the similar issue has been decided by this Court in W.P.No.17233 of 2021, wherein it is held that merely because the electricity department is providing service connection to the petitioner's premises, certainly it does not mean that the right or title of the petitioner over the said property is recognised by such department. Further, the property in which the petitioner resides is a government poramboke land and therefore, without obtaining consent from the revenue department, the petitioner cannot seek for provision for electricity power, thereby pleaded for appropriate direction.

4. It is relevant to extract the order passed by this Court in W.P.No.17233 of 2021 dated 18.08.2021, wherein this Court has held as follows:-

4.The issue involved in the present writ petition is covered by the earlier orders passed by this Court under similar circumstances. One such order was passed in W.P.No.6216/2018 dated 28.03.2018. The relevant portions in the order are extracted hereunder:

“3. The learned counsel for the petitioner submitted that the petitioner is having school going children. Therefore, he contended that the basic amenity of electricity supply should be provided to the petitioner, notwithstanding the fact that the petitioner is said to be residing in the Government Poramboke land. He further submitted that the petitioner is ready and willing to furnish an indemnity bond to the electricity



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department, specifically, stating that the petitioner will not claim any right or title on the subject matter property, based on the electricity supply provided to the petitioner.

4. On the other hand the learned counsel appearing for the respondents 1 and 2 contended that the property, in which, the petitioner resides, is a Government Poramboke land and therefore, without obtaining consent from the Revenue Department, the petitioner cannot seek for provision of electricity supply.

5. Heard both sides.

6. The petitioner seeks for electricity supply to his residence, which is, situated in a Poramboke Land, belonging to the Government. However, it is stated by the petitioner that he is residing in the said property for a long number of years and so far the Revenue Department has not taken any steps to evict him. Needless to say that when the petitioner is residing in the said property and no proceedings have taken till date to evict the petitioner from the subject matter property, he must be provided with the basic amenities such as electricity supply, as sought for by the petitioner, more particularly, when the petitioner is having school going children.

7. Merely, because the electricity department is providing service connection to the petitioner's premises, certainly, it does not mean that the right or title of the petitioner over the said property is recognised by such department.

8. Therefore, this Court is of the view that without prejudice to the action, if any, to be taken by the Revenue Department, against the petitioner, the respondents 1 and 2 can provide service connection to the petitioner's premises after taking necessary indemnity bond from the petitioner, in order to safeguard the interest of the respondents 1 and 2.



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9. Accordingly, this writ petition is allowed and the impugned order is set aside. Consequently, the respondents 1 and 2 are directed to provide electricity connection to the petitioner after taking necessary indemnity bond from him. Such exercise shall be done by the respondents 1 and 2 within a period of three weeks from the date of receipt of a copy of this order. The petitioner shall co-operate with the respondents 1 and 2, by furnishing all necessary documents and fees and also by executing the indemnity bond as stated supra. It is also made clear that the petitioner shall not seek any equity, by taking advantage of this order, after getting electricity supply as and when a decision is taken by the concerned Revenue department. No costs. Consequently, connected miscellaneous petition is closed.”

5. In the present case, the possession of the property is not in dispute and the only issue seems to be that the petitioner has put up the property in a poramboke land. This Court has consistently held that even for such a construction, the occupier of the property will be entitled for a service connection subject to fulfilling the conditions provided under the Distribution Code. The second respondent has insisted that the petitioner will have to get a no objection certificate from the Tahsildar in order to process the application submitted by the petitioner. The petitioner is not able to get a no objection certificate, since no revenue authority will give any such certificate.

6. Taking into consideration the facts and circumstances of the case and the consistent view that has been taken by this Court in cases of this nature, there shall be a direction to the petitioner to give an affidavit of undertaking before the third respondent to the effect that she will not claim any equity by virtue of the service connection given to her by the Electricity Board and that she will vacate and hand over the property as and when any proceedings are initiated for eviction by the revenue authorities. On such



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affidavit being given by the petitioner, the third respondent shall issue a no objection certificate to the petitioner. This process shall be completed by the third respondent within a period of one week from the date of submitting the sworn affidavit by the petitioner. Thereafter, the petitioner shall hand over the no objection certificate to the second respondent along with the indemnity bond and fulfil all the other requirements. The second respondent shall thereafter provide electricity service connection to the petitioner within a period of two weeks thereafter.

7. This writ petition is allowed with the above directions. No costs. Consequently connected Miscellaneous Petitions are closed“

5. Considering the facts and circumstances of the case and taking note of the fact that the similar case as that of the present petition has already been decided by this Court in W.P.No.17233 of 2021 dated 18.08.2021, extracted supra, this Court is inclined to direct the petitioner to produce an affidavit of undertaking before the 3rd respondent to the effect that he will not claim any equity by virtue of the service connection given to him by the Electricity Board and that he will vacate and handover the property as and when any proceedings are initiated for eviction by the revenue authorities and on such affidavit, the 3rd respondent shall issue a no objection certificate to the petitioner. This process shall be completed by the third respondent within a period of one week from the date of submitting the sworn affidavit by the petitioner.



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Thereafter, the petitioner shall hand over the no objection certificate to the second respondent along with the indemnity bond and fulfil all the other requirements. The second respondent shall thereafter provide electricity service connection to the petitioner within a period of two weeks thereafter.

With the above direction, the Writ petition is disposed of. No costs.

02.09.2025

Index: Yes/No

Internet: Yes/No

Speaking /Non speaking Judgment

ssd

To

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2. THE ASSISTANT ENGINEER/ O &M

TAMIL NADU GENERATION AND DISTRIBUTION CORPORATION LIMITED, KADAYAMPATTI TALUK, SALEM DISTRICT

M.DHANDAPANI, J.,

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