



W.P.(MD)No.5558 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.03.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.5558 of 2025

Arumugavelsamy

.... Petitioner

/Vs./

1.The District Collector,,
Office of District Collector,
Thoothukudi District.

2.The Tahsildar,
Vilathikulam Taluk,
Thoothukudi District.

3.Subbiah

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the second respondent in O.Mu.A1/3657/2024 dated 18.09.2024 and quash the same consequently direct the second respondent to issue 'No Objection Certificate' for obtaining electricity connection for the 'MADAM' situated in S.No.179/1 Guruvarpatti Village within the time stipulated by this Court.



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For Petitioner : Mr.S.Pon Senthil Kumaran

For R1 & R2 : Mr.S.Kameswaran
Government Advocate

ORDER

The petitioner has filed the present writ petition challenging the impugned order passed by the second respondent, the Tahsildar in O.Mu.A1/3657/2024, dated 18.09.2024 and to consequently direct the second respondent to issue No Objection Certificate for electricity service connection being obtained by the 'Madam' in respect of the property comprised in S.No.179/1, Guruvarpatti Village.

2. With the consent of the parties, the writ petition itself is taken up for final disposal.

3. I have heard the learned counsel appearing for the petitioner and the respondents.

4. The learned counsel for the petitioner would invite my attention to the averments set out in the affidavit with regard to the building being assessed in the name of Madam and payment of taxes to the village



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panchayat by the Madam. The learned counsel for the petitioner would submit that the petitioner is only claiming a relief in respect of the Madam and not seeking any private relief. He would also invite my attention to the undertaking given by the petitioner in para- 7 of the affidavit where. the writ petitioner has given an undertaking that the petitioner will not claim ownership over the subject lands namely S.No. 179/1, where the Madam is situated.

5. The learned Government Advocate would invite my attention to G.O(Ms)No.308, Revenue and Disaster Management Department, Land Disposal Wing, LD 6(2) Section, dated 22.08.2019, in and whereby, the Additional Chief Secretary to Government has passed an order directing the District Collectors to strictly comply with the orders of the Honourable Supreme Court of India in Special Leave Petition No. 8519/2006, dated 31.01.2018.

6. It is seen from the said Government Order that the power to issue No Objection Certificate for providing electricity connection to the Religious structures in Natham and unobjectionable Poramboku lands



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has been delegated to the Tahsildars, who shall process the applications with reference to prevailing rule and provisions and take a decision after inspecting the subject lands and verification of relevant revenue records on case to case basis and issue No Objection Certificate under intimation to the District Collector.

7. On a perusal of the impugned order, I find that the Tahsildar has rejected the petitioner's application only because of the classification of the subject lands in S.No.179/1 as Sarkar Poramboku. In view of the specific undertaking by the petitioner, the petitioner will not claim any title and its only seeking to obtain service connection from the electricity authorities for the superstructure already put up and assessed to tax, I am inclined to set aside the impugned order and remit the matter to the second respondent for fresh consideration and the petitioner is directed to give fresh representation to the second respondent. Taking into account the undertaking given by the petitioner that the petitioner will not claim any title to the subject lands in S.No.179/1 the second respondent shall therefore, pass fresh orders on the petitioner's fresh application keeping in mind the undertaking of the petitioner and at the same time, following



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G.O.(Ms)No.308, dated 22.08.2019 within a period of two weeks from the receipt of the fresh application from the petitioner.

8. In view of the above, the writ petition is allowed. No costs.

Index : Yes / No
NCC : Yes / No
am

03.03.2025

To

1.The District Collector,,
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2.The Tahsildar,
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P.B. BALAJI, J.

am

Order made in
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