

**(2006) 11 MAD CK 0057**

**Madras High Court**

**Case No:** Writ Petition No"s. 33020, 33021 and 34383 to 34396 of 2005 and WPMPs. No"s. 35974, 35975 and 37274 to 37287 of 2005 and WVMPs. No. 924, 925, 926 to 929, 930 to 934 and 935 to 939 of 2005

S. Rajakumari

APPELLANT

Vs

The Chairman, The Tamilnadu  
Electricity Board, Executive  
Engineer, The Tamilnadu  
Electricity Board and The  
Assistant Engineer O and M,  
CEDC/W, The Tamilnadu  
Electricity Board

RESPONDENT

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**Date of Decision:** Nov. 15, 2006

**Acts Referred:**

- Tamil Nadu Electricity Distribution Code, 2004 - Rule 27, 27(12)

**Hon'ble Judges:** M.E.N. Patrudu, J

**Bench:** Single Bench

**Advocate:** R. Balaji, for the Appellant; R. Subbiah, for the Respondent

**Final Decision:** Allowed

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**Judgement**

@JUDGMENTTAG-ORDER

M.E.N. Patrudu, J.

When identical issues are involved in batch of writ petitions, it is highly essential to pass a common order, to avoid the conflict of decision. Thus, all the writ petitions are heard together and a common order is passed.

2. The petitioners contend that they are hailing from poorest of the poor and occupying the Poramboke land of Government and are in continuous possession and enjoyment of the property from time immemorial. The case of the petitioners is that the Government never objected for the same and considering their poverty and

their livelihood, ration cards are issued by the Civil Supplies and Consumer Protection Department of the State and Voters Identity Cards were also issued by the Election Commission and they are also paying the property tax. However, the petitioners are not provided with electricity supply, despite of repeated requests.

3. The case of the petitioners is that they are living in the scheduled premises from long time and their children have to study and their family members have to enjoy the same facilities like all others in the country, for which the basic requirement is the electricity connection. Therefore, they approached the respondents to provide electricity connection; but the respondents are denying the same on the ground that the petitioners have to produce "No Objection Certificate" from the Government.

4. Hence, the petitioners have approached this Court for suitable direction.

5. The second respondent has filed a counter, wherein the possession of the petitioners in the properties is admitted. It is also admitted that the petitioners have applied for domestic service connection and they have enclosed ration card issued by the Civil Supplies and Consumer Protection Department and Voters Identity Card issued by the Election Commission in proof of their occupation.

6. In para 4, it is stated that the petitioners' application were denied since the P.W.D. authorities raised an objection in their letter No. 476 of 2001 dated 11.07.2001 stating that the scheduled land being Eari Poramboke has encroached in large number. Therefore, service connection should not be given.

7. The second respondent has very fairly admitted that the Tamil Nadu Electricity Board Acts as per the provisions of the Tamil Nadu Electricity Distribution Code, which is in vogue, normally does not deny electricity service connection to any intended legal applicant and the Act is very clear that if there is any objection, the same is to be denied. It is stated that since the P.W.D. authorities have raised an objection, the respondents are not able to comply with the request of the petitioners, though the petitioners have produced necessary documents, such as ration card, voters identity card, to prove their possession and occupation of the scheduled premises.

8. In para 7 of the counter, it is stated that some other occupants in the same scheduled land have obtained electricity connection as there was no objection from P.W.D. Therefore, it is clear that the equity before law is not maintained in the instant cases and some other occupants in the same Poramboke land are provided with electricity connection as there was no objection from the P.W.D. and the petitioners alone are singled out. The reasons are unknown.

9. Heard the learned Counsel for both sides.

10. Mr. R. Balaji, learned Counsel appearing for the petitioner in all the writ petitions stated that the petitioners are in occupation of the Poramboke land since long time

and the revenue authorities did not object for the same and on the other, ration cards and Voters Identity Card also have been issued to them. Therefore, the Government is fully aware about the occupation of the petitioners in the Poramboke land and the petitioners have every right to make an application to the respondents for electricity service connection under Rule 27 of the Tamil Nadu Electricity Distribution Code and the petitioners' request cannot be denied on the ground of some objection raised by the P.W.D. authorities. It is further contended that there is no provision under the said Distribution Code to demand for any "No Objection Certificate". It is also stated that the petitioners are ready to give any Indemnity Bond in favour of the Department and suitable direction may be given.

11. The learned Counsel for the respondents stated that though there is no provision under the present Code for asking "No Objection Certificate", but as the P.W.D. authorities have raised the objection, the respondents are unable to give any service connection to the petitioners.

12. Perused Rule 27(12) of the Code and it says,

Supply shall be given in Poramboke land on production of necessary documents as per the directive from the Government from time to time.

A plain reading of the said provision clarifies that the Board is under the obligation to provide supply. As the word used is "shall", such supply shall be given even in a Poramboke land on production of necessary documents.

13. In the instant cases, the respondents are admitting that the petitioners have produced their ration cards and Voters Identity Cards, which are issued by the State. Therefore, those documents are sufficient to conclude that they are the necessary documents. The only problem of the respondents is the objection raised by the P.W.D. authorities and nowhere the Code says that P.W.D. authorities have got any right to object for giving any service connection.

14. In the above circumstances, all the writ petitions are allowed. The petitioners are directed to furnish necessary Indemnity Bond before the respondents within a week from the date of receipt of a copy of this order and on receipt of such Indemnity Bonds, the respondents are directed to provide electricity service connection to the petitioners within a week. No costs. Consequently, connected miscellaneous petitions are closed.