

(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

Date of Decision: Nov. 15, 2006

Acts Referred:

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

Citation: (2006) 11 MAD CK 0057

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

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.