
(2004) 08 KAR CK 0040
In the Karnataka High Court
Case No : Writ Petition No. 44594/03

H. Chandrappa and Others	Vs	APPELLANT
Town Municipal Council		RESPONDENT

Date of Decision : 11-08-2004

Acts Referred:

Citation : (2005) ILR (Kar) 368 : (2005) 3 KCCR 165 SN

Hon'ble Judges : D.V. Shylendra Kumar, J

Bench : Single Bench

Advocate : B. Rudragowda, for the Appellant; K. Raghavendra Rao, A. Madhusudan Rao and V. Vidya, for the Respondent

Judgement

D.V. Shylendra Kumar, J.—In the present Writ Petition, I.A.No. 1 is filed by the petitioner seeking directions to the respondent Town Municipal Council, Shikaripur, to issue "No Objection Certificate" in favour of the petitioner to enable him to obtain power connection to the premises in question from the MESCOM, a supplier of electricity.

2. The Writ Petitioner is challenging the endorsement dated 5.8.2003 (Annexure "C") whereby he has been informed that "No Objection Certificate" as sought for cannot be issued in view of pending adjudication of a civil dispute in respect of property in question before the Civil Court.

3. Statement of Objections has been filed on behalf of the respondent. The main objection of the respondent is that the petitioner has put up construction in gross violation of the sanctioned plan and in spite of issuing notice calling upon the petitioner to bring the construction in conformity with the sanctioned plan, he did not comply the same and when further action was sought to be taken by the respondent for demolition of unauthorised construction, the petitioner filed a civil suit in O.S.No. 220/2001 before the Civil Court (Jr.Dn), Shikaripur, and obtained an interim order of status quo. Appeal in M.A.No. 12/2002 preferred by the respondent authority against the order of the trial court did not prove fruitful and

the matter remained as it is. On the other hand, the petitioner taking undue advantage of the status quo order proceeded with the illegal construction and completed the construction during the pendency of order of status quo. According to respondent, they are fully justified in declining "No Objection Certificate" in favour of the petitioner at this stage.

4. Smt. Vidya, learned Counsel for the respondent, submits that some of the neighbours of the petitioner have complained before the Lokayuktha and the authorities are under pressure to take action against the petitioner but pendency of the civil suit and order of status quo is coming in the way for the same. She also submits that the petitioner has continued construction even after expiry of the stipulated period and some additional construction has been made without obtaining the sanctioned plan for it.

5. These are all matters which are to be looked by the authorities and it is not proper nor necessary for this court to look into such disputes and to take corrective action. However, without prejudice to the proposed action to be taken by the respondent as provided under law, for which the respondent can initiate and take action against the petitioner for such violation in accordance with law, the respondent shall issue no objection certificate which can enable the petitioner to get power connection without prejudice to such action that they can take.

6. Power connection is an essential requirement in the present day world and it is as basic a requirement as air and water. In fact, quality of life is dependant on the availability or otherwise of power connection (See; Chameli Singh and others etc. Vs. State of U.P. and another, .

7. In the circumstances, the application is allowed. The respondent is directed to issue "No Objection Certificate" without prejudice to the rights of the respondent authority to take such action against the petitioner as provided under law for any violation of law. The Writ Petition is also disposed of accordingly.