

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.08.2015

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

W.P. Nos.19620 & 8611 of 2015

- 1.Karnan
- 2.Mannathi
- 3.Viyapuri
- 4.Veerammal
- 5.Andal
- 6.Chinnaponnu
- 7.Valli
- 8.Vennila
- 9.Shanthi
- 10.Kolanji
- 11.Pottukanni
- 12.Vasantha
- 13.Mani
- 14.Chandra
- 15.Dhanapal
- 16.Manikam
- 17.Karuppian
- 18.Kamaraj
- 19.Elangovan
- 20.Maruthai
- 21.Arasan
- 22.Ramalingam
- 23.Kannagi
- 24.Rajavel
- 25.Devendiran
- 26.Kandasamy

..Petitioners 1 to 25 in W.P. No.19620 of 2015
..26th Petitioner in W.P. No.19620 &
sole petitioner in WP.No.8611 of 2015

Vs.

- 1.The Assistant Engineer,
Tamil Nadu Electricity Board,
E.Keeranoor Division,
Tittakudi Taluk,
Cuddalore District.

..1st Respondent in both WPs.

- 2.The Tahsildar,
Tittakudi.
(Suomotu impleaded as per order
dt.03.8.2015 by NKKJ in
WP.No.8611 of 2015).

.. 2nd Respondent in WP.No.8611 of 2015

Prayer in WP.No.19620 of 2015: Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus

(i) directing the respondent to provide electricity connection based on Indemnity Bond by the petitioners bearing Survey No.74, situated at Pulivalam Village, Thittakudi Taluk, Cuddalore District in accordance with law.

Prayer in WP.No.8611 of 2015: Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus

(ii) directing the respondent to provide electricity connection based on Indemnity Bond submitted by the petitioner bearing Survey No.74, situated at Pulivalam Village, Thittakudi Taluk, Cuddalore District in accordance with law.

For Petitioners :: Mr.K.Dilip Raja
For R1 in both WPs :: Mr.Varun Kumar
For R2 in
WP.No.8611 of 2015 :: Mr.V.Jayaprakash Narayanan Spl.G.P

O R D E R

WP.No.19620 of 2015 has been filed for the issuance of a Writ of Mandamus directing the respondent to provide electricity connection based on Indemnity Bond submitted by the petitioners in respect of Survey No.74, situated at Pulivalam Village, Thittakudi Taluk, Cuddalore District in accordance with law.

2.The petitioners contend that they have been in possession and enjoyment of the property for the past more than 75 years and the property is comprised in Survey No.74, Pulivalam Village, Thittakudi Taluk, Cuddalore District. They have put up superstructures and they have been residing there for the past 75 years and therefore, the petitioners gave a representation on 21.02.2015 to provide electricity connection to their property. Since there was no reply, the petitioners are before this Court.

3.Heard Mr. Mr.Varun Kumar, learned counsel appearing for the respondent.

4.Though the petitioners contend that they have been living in the said property for more than 75 years, it is evident from the counter affidavit filed by the respondent, the property is classified as "Odai Poramboke", which is a water body and the petitioners cannot take advantage of G.O.M.S.No.18 dated 18.08.2011 for getting electricity connection.

5. Though, a number of documents have been filed by the petitioners to show that they are in possession, there is nothing to correlate in respect of Survey No.74 situated at Pulivalam Village, Thittakudi Taluk, Cuddalore District. Even if it is correlated, as said above, it is a water body and therefore, the petitioners cannot remain in possession in the property. When the water bodies are encroached upon, water source get affected against public interest.

6. Therefore, the relief sought for by the petitioners cannot be granted. Accordingly, the WP.No.19620 of 2015 is dismissed. No costs.

7. As far as WP.No.8611 of 2015 is concerned, this Writ petition has been filed for the issuance of a Writ of Mandamus directing the respondent to provide electricity connection based on Indemnity Bond submitted by the petitioner in respect of Survey No.74, situated at Pulivalam Village, Thittakudi Taluk, Cuddalore District in accordance with law.

8. The petitioner contends that he has been in the property for the past more than 75 years and the property is comprised in Survey No.74, Pulivalam Village, Thittakudi Taluk, Cuddalore District. He put up superstructures and he has been residing there for the past 75 years and therefore, the petitioner gave a representation on 21.02.2015 to provide electricity connection to his property.

9. Heard Mr. Mr. Varun Kumar, learned counsel appearing for the first respondent and V. Jayaprakash Narayanan, learned Spl G.P. appearing for the second respondent.

10. It is clear that if any Writ Petition is filed and has been filed by the petitioner stating that he is in possession of Survey No.74, Pulivalam Village, Thittakudi Taluk, Cuddalore District, the same is directed not to be numbered. Even, if it is numbered the learned Government Pleader is supposed to bring to the notice of this Court that earlier WP.No.19620 of 2015 and WP.No.8611 of 2015 have been filed and were dismissed by this Court. There is every reason to believe that the petitioner is a land grabber and he wants to encroach upon the water body poramboke land, only to grab the land taking advantage of G.O.M.S.No.18 dated 18.08.2011. The said G.O.M.S.No.18, which is intended to the benefit of those persons who are in possession of the land, which is unobjectionable to the Government and is being misused by the petitioner.

11. Therefore, the relief sought for by the petitioner cannot be granted. Accordingly, the WP.No.8611 of 2015 is dismissed. No costs.

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s/d-

Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

To

1.The Assistant Engineer,
Tamil Nadu Electricity Board,
E.Keeranoor Division,
Tittakudi Taluk,
Cuddalore District.

2.The Tahsildar,
Tittakudi.

+ 1 cc to Mr.M.Velmurugan, Advocate SR 43803

+ 1 cc to Mr.M.VarunKumar, Advocate SR 44044

+ 1 cc to Govt.Pleader SR 43477

rsi(co)
prk9/9

W.P. Nos.19620 & 8611 of 2015

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