

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :: 7.8.2015

CORAM:

THE HONOURABLE MR.JUSTICE SATISH K. AGNIHOTRI

AND

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

W.P. Nos.8131 and 1716 of 2015

S.Ravi .... Petitioner in both Writ Petitions.

versus

1.The District Collector,  
Tiruvallur District.

2.The Tahsildar,  
Ambattur, Chennai

3.R. Lakshmi .... Respondents in W.P.No.8131/2015  
(R3 impleaded as per Order  
dated 07/07/2015, in MP.3/2015  
in WP.No.3131/2015

1.The Asst. Engineer,  
CEDC/North,  
Tamil Nadu Electricity Board,  
Lakshmipuram/sec,  
Kolathur, Chennai 99

2.R.Lakshmi .... Respondents in W.P.No.1716/2015

W.P.No.8131 of 2015 filed under Art.226 of the Constitution of India praying for a Writ of Certiorari to call for the records from the file of the 2<sup>nd</sup> respondent made in Na.Ka.1285/2015/C1 vide notice dated 9.3.2015.

W.P.No.1716/2015 filed under Art.226 of the Constitution of India praying for a Writ of Mandamus directing the 1<sup>st</sup> respondent to restore the electricity service connection forthwith to the petitioner house(NO.026-023-1878)

For petitioner : Mr.V.Prem Kumar  
for  
M/S.K.B.Arul

For Respondents : Mr.P.H.Aravind Pandian, Addl. Advocate General  
Assisted by Mr.P.S.Shivashanmugasundaram, Spl.G.P.  
For respondents 1 and 2 in W.P.No.8131/2015

Mr.R.Rajiv Gandhi,  
for Mr.T.Sundaravadanam, for R-3 in W.P.No.8131/2015

No appearance for R-1 in W.P.No.1716 of 2015

Mr.R.Rajiv Gandhi,  
for Mr.T.Sundaravadanam, for R-2 in W.P.No.1716/2015

COMMON ORDER

(made by K.K.SASIDHARAN, J.)

The petitioner in W.P.No.8131 of 2015 challenges the notice dated 9 March 2015 on the file of Tahsildar, Ambattur, whereby and whereunder, he was directed to vacate the Government land and handover vacant possession.

2. The petitioner filed Writ Petition in W.P.No.1716 of 2015 to direct the Assistant Engineer, Tamil Nadu Electricity Board, Kolathur, to restore the electricity service connection to him.

3. Heard the learned counsel for the petitioner, learned Additional Advocate General on behalf of respondents 1 and 2 and learned counsel for the 3<sup>rd</sup> respondent.

4. According to the petitioner, property in S.F.No.1421, Seeyathamman Nagar, Kolathur was purchased by his father on 27 August 2005. The purchase was made on the strength of an unregistered document. It was a thatched house originally and the roof was subsequently changed. The petitioner got electricity connection and he has been residing in the said house with family.

5. While so, Tahsildar, Ambattur, initiated proceedings for eviction by resorting to the provisions of Tamil Nadu Land Encroachment Act. The Statutory Authority has passed final orders directing the petitioner to vacate the Government land. Feeling aggrieved by the action taken by the Tahsildar, Ambattur, the petitioner has come up with the Writ Petition in W.P.No.8131 of 2015.

6. The Assistant Engineer, Tamil Nadu Electricity Board, disconnected the supply to the residence of the petitioner. The prayer in W.P.No.1716 of 2015 is to restore the service connection.

7. The District Collector, Tiruvallur, in his counter affidavit dated 17 July 2015, submitted that the property in question is a water course poromboke and as such, it would not be in public interest to permit the petitioner to retain possession of the land.

8. The District Collector, Tiruvallur, filed another affidavit on 5 August 2015, agreeing to give alternative site to the petitioner in case a representation is made.

9. The factual matrix clearly indicates that the land in question is a water course poromboke. The petitioner has no right to construct a residential house by encroaching the water course poromboke land. The statutory authority issued notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, to the petitioner and only thereafter, final order was passed. We do not find any error or illegality in the procedure adopted by the second respondent.

10. The District Collector, Tiruvallur, has very fairly submitted that the district administration is ready to consider the request for alternative accommodation, if made. The relevant paragraph of the affidavit dated 5 August 2015 reads thus :-

"It is further submitted that, if the petitioner is giving any representation for allotment of house site, the District Administration is ready to consider and allot an alternate site to the petitioner at Tamaraipakkam Village, Tiruvallur Taluk, Tiruvallur District, provided he does not own any house site after following procedures established by law."

11. There is no question of quashing the impugned order in view of the fact that encroachment is objectionable. Similarly, there is no question of directing the Assistant Engineer, Tamil Nadu Electricity Board, to restore the electricity connection.

12. The petitioner is given liberty to submit a representation to the District Collector, Tiruvallur, for alternative site. In case any such representation is made, the same shall be considered favourably and orders should be passed as expeditiously as possible and in any case, within a period of two months from the date of receipt of such representation.

13. The Writ Petitions are disposed of with the above direction.  
No costs. Consequently, M.P.Nos.1 to 4 of 2015 are closed.

Sd/-  
Asst.Registrar (CS II )

/true copy/

Sub Asst. Registrar

tar

To

1.The District Collector,  
Tiruvallur District.

2.The Tahsildar,  
Ambattur, Chennai

3.The Asst. Engineer,  
CEDC/North,  
Tamil Nadu Electricity Board,  
Lakshmipuram/sec,  
Kolathur, Chennai 99

+1 cc to Mr.P.R.Dhilip Kumar Advocate sr.41043  
+1 cc to Government pleader sr.41623  
+1 cc to Mr.V.Premkumar Advocate sr.40878  
+1 cc to Mr.T.Sundaravadanam Advocate sr.41272

सत्यमेव जयते

W.P. Nos.8131 and 1716 of 2015

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