

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.15719 of 2016

M.Raju

... Petitioner

vs.

1. The Assistant Divisional Engineer,
Tamil Nadu Electricity Board,
Ponneri, Tiruvallur District.

2. The Superintendent of Police,
Thiruvallur District,
Thiruvallur.

3. The Inspector of Police,
Ponneri Police Station,
Ponneri, Thiruvallur District.

.... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the second and third respondents herein to give police protection to enable the first respondent to extend EB service connection to the petitioner's house situated at Plot No.148, Kunnamabcheri, Burma Colony, Dobikana, Ponneri Taluk, Thiruvallur District, by erecting EB post and wire connections.

For Petitioner : Mr.R.S.Anandan

For Respondents : Mr.P.Karthikeyan,
Govt. Advocate

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondents 2 and 3 to give police protection to enable the first respondent to extend EB service connection to his house situated at Plot No.148,

Kunnamabcheri, Burma Colony, Dobikana, Ponneri Taluk, Thiruvallur District, by erecting EB post and wire connections.

3. The case of the petitioner, in brief, is as follows:-

(a) The petitioner is a Burma repatriate. In order to provide housing facility to Burma repatriates, the Government has granted certain benefits to them by developing a scheme in the year 1964. In the said scheme, a condition has been laid that if the Burma repatriates show any land or any consent letter to sell from any land owners, in and around Ponneri, the Government would arrange loan and grant to purchase the land and build the houses. As per the said condition, one leaders of the Burma repatriates by name K.Sulaiman negotiated to purchase property from one Jayarama Mudaliar, who also gave consent letters to sell the property to the Burma repatriates. Based upon the consent letters, the District Collector and Tahsildar got approval from the Government and a lay out of 224 plots was prepared in that property. As per the said scheme, all the 224 repatriates entered into an agreement with the Government and received grant of Rs.600/- each to purchase the plots from the land owners. Accordingly, 224 repatriates were allotted plots and sale deeds were also executed in their favour by the owners. Further, the Government has also granted a sum of Rs.4,100/- each to them construct a house in their respective plots. The petitioner was allotted with plot No.148 in S.No.146/192 measuring to an extent of 1.60 acres or 4 cents.

(b) Thereafter, the petitioner has constructed a house in his plot and on 6.7.2015, submitted an application in the format prescribed by the first respondent for providing electricity service connection to his house. He has also paid the necessary charges for the same. While so, one K.S.Anandan has given a false complaint to the first respondent and also to the Assistant Executive Engineer, PWD, Araniyar Basin Sub Division, Ponneri, as if the petitioner encroached the lands and sought for EB connection and requested the first respondent not to give electricity service connection to him. Accordingly, the Assistant Executive Engineer, PWD, Araniyar Basin Sub Division, Ponneri, vide letter dated 23.7.2015, requested the first respondent not to extend EB service connection to the petitioner and other encroachers. Subsequently, after getting clarification from the revenue officials, the Assistant Executive Engineer, PWD, Araniyar Basin Sub Division, Ponneri, issued no objection certificate to extend electricity connection to the petitioner vide letter dated 13.10.2015.

(c) Thereafter, as per the direction of the first respondent, when the contractors erecting the post for service connection, the said K.S.Anandan and their men obstructed them

and caused injury to them. In view of the same, the first respondent has not extended electricity service connection to the petitioner. Though the petitioner gave a complaint to the third respondent, no action has been initiated so far. In spite of the repeated request, the first respondent is not taking further action and requested the petitioner to get police protection to complete the work. Hence, the petition.

4. I have heard the learned counsel appearing for the petitioner and the learned Government Advocate, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim projected by the petitioner, this Court directs the petitioner to give a fresh representation to the respondents 2 and 3 along with a copy of this order, within a period of two weeks from the date of receipt of a copy of this order, and on receipt of the same, the respondents 2 and 3 are directed to consider the same and pass appropriate orders / take appropriate action, on merits and in accordance with law, with regard to providing police protection to enable the first respondent to extend EB service connection to the petitioner's house situated at Plot No.148, Kunnamabcheri, Burma Colony, Dobikana, Ponneri Taluk, Thiruvallur District, by erecting EB post and wire connections, within a period of six weeks thereafter, by affording an opportunity of personal hearing to the petitioner as well as to the necessary parties, if any. The writ petition is disposed of accordingly. No costs.

sbi

s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1. The Assistant Divisional Engineer,
Tamil Nadu Electricity Board,
Ponneri, Tiruvallur District.
2. The Superintendent of Police,
Thiruvallur District,
Thiruvallur.

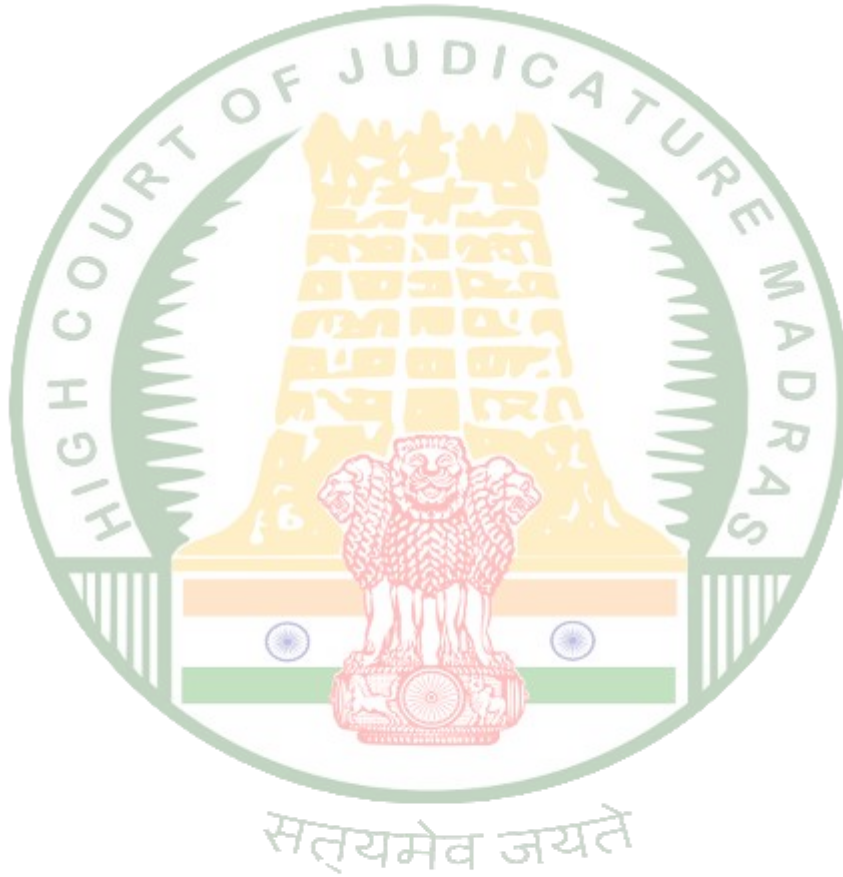
3. The Inspector of Police,
Ponneri Police Station,
Ponneri, Thiruvallur District.

+ 1 cc to Govt.Pleader SR 26891

+ 1 cc to Mr.R.S.Anandan, Advocate SR 26250

ksj(co)
prk2/5

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