

IN THE HIGH COURT OF JUDICATURE AT MADRAS

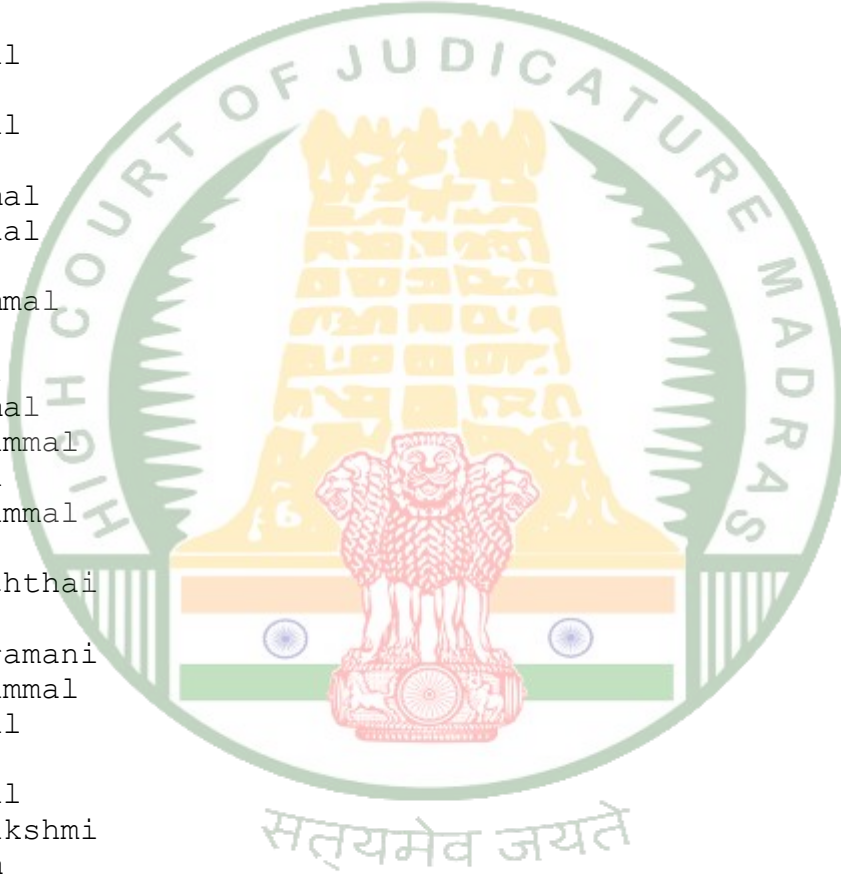
DATED: 10.06.2016

CORAM :

The Hon'ble Mr.Justice N.KIRUBAKARAN

W.P. No.35553 of 2015

- 1.S.Karuppanan
- 2.Karuppal
- 3.Veerammal
- 4.Vijaya
- 5.Subpammal
- 6.Rani
- 7.Chellammal
- 8.Baraththal
- 9.Maakali
- 10.Kaliyammal
- 11.Saroja
- 12.Lakshmi
- 13.Pattammal
- 14.Muththammal
- 15.Mallika
- 16.Karuppammal
- 17.Theival
- 18.Chinnaththai
- 19.Kamalal
- 20.Chinnaramani
- 21.Karuppammal
- 22.Velammal
- 23.Kavery
- 24.Nagammal
- 25.Muthulakshmi
- 26.Pushpam
- 27.Veerammal
- 28.Rajammal
- 29.Arammal
- 30.Valliyammal
- 31.Veerathal
- 32.Pappammal
- 33.Mayilala
- 34.Sarasu
- 35.Nasammal
- 36.Chinnammal
- 37.Selvi
- 38.Veerammal



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39.Durkaiyammal
40.Dhanam
41.Chellammal
42.Krishnaveni
43.Lakshmi
44.Selvi
45.Ponnathal
46.Chinnal
47.Selvi
48.Sarasu
49.Rathna
50.Saraswathi
51.Banu
52.Rani
53.Sarasal
54.Kupppammal
55.Muthammal
56.Kupppammal

... Petitioners

-vs-

- 1.The State of Tamil Nadu,
Rep. By its Secretary to Govt.,
Dept. of Adi-Dravidar and Tribal
Welfare, Secretariat,
Fort St. George, Chennai 600 009.
- 2.The District Collector,
Tiruppur District.
- 3.The Special Tahsildar,
Adi-Dravidar and Tribal Welfare,
Kankeyam Taluk, Tiruppur District.
- 4.The Chairman
Tamil Nadu Electricity Board,
NPKRR Maaligai, 800, Anna Salai,
Chennai-2.
- 5.Junior Engineer (Grade I),
Tamilnadu Electricity Generation and
Distribution Circle, Tharapuram,
Tiruppur.
- 6.The Tahsildar,
Tharapuram, Tiruppur.
(Impleaded as per order dt.17.02.2016
in WMP.3805/2016)

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the 5th respondent to provide electricity connections to the petitioners houses situated at Jeeva Colony (Arunthathiyar Colony), Chitravathanpalayam Village, Kondarasanpalayam Post, Tharapuram Taluk, Tiruppur District, within the time frame fixed by this Court.

For Petitioner : Ms.S.Senkodi

For Respondents : Mr.V.Jayaprakash Narayanan
Spl.G.P. For RR 1 to 3 & 6
: Mr.S.K.Raameshwar for RR 4 & 5

O R D E R

The petitioners are the beneficiaries of G.O. (3D) No.401, Adi Dravidar and Tribal Welfare Department, dated 25.05.1993 and G.O. (3D) No.409, Adi Dravidar and Tribal Welfare Department, dated 23.06.1994, by which land to an extent of 1.050 hectare in Survey No.344/2 situated at Chithravuthanpalayam Village, Kondarasanpalayam Post, Tharapuram Taluk, Tiruppur District, was acquired from one Ramasamy Gounder for the purpose of construction of house sites and based on that, the petitioners were allotted the land and were also issued with pattas.

2.At that stage, the land owner filed a Writ Petition No.3353 of 1995 without making the petitioners as parties and by order dated 13.11.2000, the writ petition is said to have been allowed. Based on that, the pattas issued to the petitioners are said to have been cancelled. However, they still remain in possession. Since they remain in possession and also constructed houses in their respective places, they approached the fifth respondent seeking electricity connection. Since no action was taken, the petitioners have come before this Court.

3.Heard M/s.S.Senkodi, learned counsel for the petitioner, Mr.V.Jayaprakash Narayanan, learned Special Government Pleader for respondents 1 to 3 and 6 and Mr.S.K.Raameshwar, learned standing counsel for respondents 4 and 5.

4.It is admitted by the parties that the acquisition was made from one Ramasamy Gounder and an extent of 1.050 hectare comprised in Survey no.344/2 situated at Chithravuthanpalayam Village, Kondarasanpalayam Post, Tharapuram Taluk, Tiruppur District, was acquired and possession also was given. Pattas were also issued to the respective beneficiaries and it is the case of the petitioners that they have put up superstructures and they are residing in the place.

5. Even though the land acquisition proceedings have been quashed and the pattas given to the petitioners were cancelled, that would not make the possession of the petitioners as illegal, as they were put in possession by the acquiring authorities pursuant to the land acquisition proceedings. The petitioners are, thus, entitled to remain in possession as long as they are given an alternate site or till fresh acquisition proceedings are initiated over the very same land. Without making alternate arrangements, the petitioners' possession cannot be disturbed.

6. As long as the petitioners remain in possession of their respective allotted properties, they are entitled to enjoy the property till they are dispossessed as per law. As the petitioners contend that they have put up construction and they are suffering without electricity connection, they have to be provided with the electricity connection. It is unimaginable to think of leading a life without electricity connection in these days and therefore, the fifth respondent is bound to give electricity connection.

7. Mr. S. K. Raameshwar, learned counsel for respondents 4 and 5, would submit that only five applications have been received from the petitioners and rest of them have not filed the applications. Therefore, the fifth respondent is directed to process the applications which have been received from the five applicants and give the electricity connection within a period of two (2) weeks from the date of receipt of a copy of this order, after getting indemnity bond and without insisting upon issuance of patta or any other documents and only relying upon the earlier pattas, which will prove that they were put in possession legally only for that limited purpose.

8. As far as the persons who have not filed any application, they have to file applications with the fifth respondent within two (2) weeks from the date of receipt of a copy of this order and on such receipt, the fifth respondent, after process, give electricity connection within two (2) weeks thereafter.

9. It is made clear that the fifth respondent is bound to give electricity connection based on their allotment order and the earlier pattas which were subsequently cancelled. This order is passed only to safeguard the possession of the petitioners and also to enjoy the property till they are dispossessed as per law or any alternate arrangement is being made by the authorities.

10.Writ Petition is, accordingly, disposed of in the above terms. No costs.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

sra

To

- 1.The Secretary to Govt. of Tamilnadu,
Dept. of Adi-Dravidar and Tribal
Welfare, Secretariat,
Fort St. George, Chennai 600 009.
- 2.The District Collector,
Tiruppur District.
- 3.The Special Tahsildar,
Adi-Dravidar and Tribal Welfare,
Kankeyam Taluk, Tiruppur District.
- 4.The Chairman
Tamil Nadu Electricity Board, NPKRR
Maaligai, 800, Anna Salai, Chennai-2.
- 5.Junior Engineer (Grade I),
Tamilnadu Electricity Generation and
Distribution Circle, Tharapuram,
Tiruppur.
- 6.The Tahsildar,
Tharapuram, Tiruppur.
7. The Section Officer, Writ Section, High Court

1 cc to Mr.S.Rajanikanth, Advocate, sr.7676
1 cc to Mr.S.K.Raameshuwar, Advocate, sr.31646
1 cc to Government Pleader, sr.32308

W.P.No.35553 of 2015

kra 15.06.2016