

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.03.2016

CORAM

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

WP.No.8136 OF 2016

- 1.Kathunbi
- 2.Shabroobi
- 3.Dhasthageer
- 4.Shabeena
- 5.Kadhar Basha
- 6.Shadhikbasha
- 7.Thajudheen
- 8.Mubarak
- 9.Jeenathbi

.. Petitioners

Versus

1. The Assistant Engineer
Tamil Nadu Electricity Board
Thindivanam.
2. The District Forest Officer
Villupuram Division/Thindivanam
Villupuram.
3. The Range Officer
Thindivanam Range, Thindivanam.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 1st respondent to provide domestic electricity service connection to the petitioners representation dated 05.06.2012.

For Petitioners : Mr.S.N.Kirubanandam
For respondent 1 : Mr.M.Varun Kumar
For respondents 2&3 : Mr.N.Inbanathan, Govt.Advocate
[Forests]

O R D E R

Heard Mr.S.N.Kirubanandam, learned counsel appearing for the petitioners; Mr.M.Varun Kumar, learned counsel accepting notice on behalf of the 1st respondent and Mr.N.Inbanathan, learned Government Advocate [Forests] accepting notice on behalf of the respondents 2 and 3 and with their consent, the writ petition is taken up for final disposal at the admission stage.

2. The petitioners have come forward with the present writ petitions seeking for issuance of a writ of mandamus to direct the 1st respondent to provide domestic electricity service connection by considering their representation dated 05.06.2012.

3. Admittedly, the petitioners are encroachers of the Government property. It is not known as to whether the said property is a water body or it is a poramboke land. The petitioners claim to be in possession of the said property for some years and they state that they have been affected by Tsunami and the Government has not rehabilitated them nor given alternate sites.

4. Since the writ petition is disposed of at the admission stage, the merits of the allegations made by the petitioners cannot be gone into. Further, this Court cannot issue any positive direction at this juncture since individual petitioners have not given any representation to the Electricity Board for grant of electricity supply and the representation dated 05.06.2012, is collectively by the members of Koonimedu village, Villupuram District. Based on such representation, no writ of mandamus could be issued as sought for by the petitioners.

5. Learned counsel for the petitioners submitted that the Superintending Engineer of the respondent Board has sent a communication on 20.09.2015, stating that if individual applications are filed, they will be considered. As rightly pointed out by the learned Standing Counsel for the respondent Board, there is no assurance for grant of electricity supply.

6. Accordingly, while rejecting the relief sought for by the petitioners, liberty is granted to them to submit individual representations to the 1st respondent, who shall obtain appropriate report from the District Collector, Villupuram, and also from the District Forest Officer, Tindivanam, and from the Range Officer, Tindivanam Range and after getting appropriate report, pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. In case of any difficulty in implementing the order of this Court within the time permitted, the respondents are at liberty to seek for extension of time.

7. With the above direction, this Writ Petitions is dismissed. No costs. Consequently, the connected W.M.P.Nos.7236 and 7237 of 2016 are closed.

dixit

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Assistant Engineer
Tamil Nadu Electricity Board
Thindivanam.
2. The District Forest Officer
Villupuram Division/Thindivanam
Villupuram.
3. The Range Officer(Forests)
Thindivanam Range, Thindivanam.

+ 1 cc to Mr.S.N.irubanandam, Advocate, SR 14122

+ 1 cc to Mr.Varunkumar, Advocate, SR 14198

+ 1 cc to Spl.Govt.Pleader, High Court, Madras SR 14138

ev(co)
prk23/3

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