



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P(MD)Nos.19188 to 19193 of 2016

1. S.AMUTHA
2. K.DHILSATH
3. K.SELVI
4. CHITHRA
5. P.KALAIVANI
6. P.ANJALAI

...Petitioner 1 to 6 in WP(MD).19188
to 19193 of 2016 respectively.

-Vs-

- 1 THE SPECIAL TAHSILDAR,
ADHI DRAVIDAR WELFARE,
TRICHIRAPPALLI.
- 2 THE EXECUTIVE ENGINEER,
OPERATION AND MAINTENANCE,
EAST/TRICHY, TAMIL NADU GENERATION
AND DISTRIBUTION CORPORATION LTD.,
MANNARPURAM, TRICHY - 20
- 3 THE ASSISTANT ENGINEER,
O & M, THIRUPPARAITHURAI,
TAMIL NADU GENERATION AND
DISTRIBUTION CORPORATION LTD.,
SRIRANGAM TALUK,
TRICHIRAPPALLI DISTRICT. ... Respondents in all the petitions

Prayer in W.P. (MD)No.19188 of 2016: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to provide electricity supply to the petitioner's house bearing Plot No.39, J.J.Colony comprised in Survey No.178/5A Part, 6A, 6B1, 6C2, 7A, 7B and 179/2A1, 2B1, 2B2 and 4, Mutharasanallur(Murungapettai) Village, Srirangam Taluk, Thiruchirappalli District and pass such further or other orders.

Prayer in WP(MD). 19189/ 2016 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents 1 to 3 to provide electricity supply connection to the petitioners house bearing Plot No.42, J.J.Colony comprised in Survey No.178/5A Part, 6A, 6B1, 6C2, 7A, 7B and 179/2A1, 2B1, 2B2 and 4, Mutharasanallur (Murungapettai) Village, Srirangam Taluk, Trichirappalli District.



Prayer in WP(MD). 19190/ 2016 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents 1 to 3 to provide electricity supply connection to the petitioners house bearing plot No.11, J.J.Colony comprised in Survey No.178/5A Part, 6A, 6B1, 6C2, 7A, 7B and 179/2A1, 2B1, 2B2 and 4, Mutharasanallur (Murungapettai) Village, Srirangam Taluk, Trichirappalli District.

Prayer in WP(MD). 19191/ 2016 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents 1 to 3 to provide electricity supply connection to the petitioners house bearing Plot No.7, J.J.Colony comprised in Survey No.178/5A Part, 6A, 6B1, 6C2, 7A, 7B and 179/2A1, 2B1, 2B2 and 4, Mutharasanallur (Murungapettai) Village, Srirangam Taluk, Trichirappalli District.

Prayer in WP(MD). 19192/ 2016 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents 1 to 3 to provide electricity supply connection to the petitioners house bearing plot No.1, J.J.Colony comprised in Survey No.178/5A Part, 6A, 6B1, 6C2, 7A, 7B and 179/2A1, 2B1, 2B2 and 4, Mutharasanallur (Murungapettai) Village, Srirangam Taluk, Trichirappalli District.

Prayer in WP(MD). 19193/ 2016 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents 1 to 3 to provide electricity supply connection to the petitioners house bearing Plot No.4, J.J.Colony comprised in Survey No.178/5A Part, 6A, 6B1, 6C2, 7A, 7B and 179/2A1, 2B1, 2B2 and 4, Mutharasanallur (Murungapettai) Village, Srirangam Taluk, Trichirappalli District.

For Petitioner : Mr. A.Rahul
For R-1 : M/s.S.Bharathi Government Advocate
For R-2 & R-3 : Mr.S.M.S.Johny Basha

C O M M O N O R D E R

These Writ Petitions have been filed by the petitioners for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to provide electricity supply to the petitioners' house bearing Plot Nos.39, 42, 11, 7, 1 and 4, J.J.Colony comprised in Survey No.178/5A Part, 6A, 6B1, 6C2, 7A, 7B and 179/2A1, 2B1, 2B2 and 4, Mutharasanallur (Murungapettai) Village, Srirangam Taluk, Thiruchirappalli District.



2. Heard, Mr.A.Rahul, learned counsel appearing for the petitioner, M/s.S.Bharathi, learned Government Advocate appearing for the first respondent and Mr.S.M.S.Johny Basha, learned counsel for the respondents 2 and 3.

3. M/s.S.Bharathi, learned Government Advocate takes notice for the first respondent and Mr.S.M.S.Johny Basha takes notice for the respondents 2 and 3. By consent, the Writ petitions itself are taken up for final disposal.

4. This Court already passed an order in W.P.(MD)Nos.9055 to 9059 of 2013, dated 21.04.2014, in Para Nos.5 and 6, it is stated as follows:-

"5. Considering the submissions made by the learned counsel for the petitioners as well as the respondents, I find that the assignment order was passed on 30.11.2004. The petitioners have been in possession of the lands for the past 9 years. Till such time, the assignment orders have not been cancelled. Even during the pendency of the writ petition filed by the said Rajeshkanna, the petitioners have commenced construction of their houses and completed the same. Though the first respondent has passed an order on 21.09.2010 directing the petitioners and others not to construct houses, thereafter, no follow up action has been taken and no enquiry was conducted. In the meantime, the construction was over. In such circumstances, this Court is constrained to pass the following order:

The petitioners are directed to execute an affidavit before the Special Tahsildar, Adhi Dravidar Welfare, Tiruchirappalli, the first respondent herein, to the effect that they will vacate the property if the assignment order is cancelled, within a period of one week from the date of receipt of a copy of this order. On filing such affidavit, the first respondent is directed to issue No Objection Certificate in favour of the petitioners within a period of one week thereafter. On such issuance of No Objection Certificate to the petitioners, electricity connection shall be restored within a period of two weeks thereafter.

6. The Writ petitions are disposed of accordingly. Consequently, the connected Miscellaneous petitions are closed. No costs."

5. As per the above order, the petitioners are directed to execute an affidavit before the Special Tahsildar, Adhi Dravidar Welfare, Tiruchirappalli, the first respondent herein, to the effect that they will vacate the property if the assignment order is cancelled, within a period of one week from the date of receipt of a copy of this order. On filing such affidavit, the first respondent is directed to issue No Objection



Certificate in favour of the petitioners within a period of one week thereafter. On such issuance of No Objection Certificate to the petitioners, the respondents 2 and 3/Electricity Board are directed to restore the electricity connection within a period of two weeks thereafter.

6. The Writ petitions are disposed of accordingly. No costs.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar

To

1. The Special Tahsildar,
Adhi Dravidar Welfare, Thiruchirappalli.
2. The Executive Engineer,
Operation and Maintenance, East/Trichy,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Mannarpuram, Trichy - 20.
3. The Assistant Engineer,
Operation and Maintenance, Thirupparaithurai,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Srirangam Taluk, Thiruchirappalli District.

+1 cc to the Spl.Govt.Pleader in SR60559

+6 cc to Mr.A.Rahul, Advocate in SR No.59772 to 59777

COMMON ORDER MADE IN
W.P (MD) No.19188 to 19193 of 2016
06.10.2016

pmu

anr/ss2/24.10.2016/4p/11c