

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2019

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.17590 of 2009

and

MP No.1 of 2009

T.Shanmugam

.. Petitioner

Vs

1.The Superintending Engineer,
Mettur Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Mettur Dam.

2.The Assistant Engineer (Civil),
Mettur Workshop,
Tamil Nadu Electricity Board,
Mettur Dam.

3.The Assistant Executive Engineer,
Mettur Town Distribution,
Mettur Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Mettur Dam - 1.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus to forbear the respondents from evicting the petitioner from the premises situated in Door No.10/1B and Door No.10/1B1 of New Ward-A, Block 25, T.S.No.18 of Mettur Town, Mettur Taluk, Salem District, to the extent of 17 cents without following the procedure as laid down under law.

For petitioner : Mr.S.Doraisamy

For Respondents : Mr.S.K.Raameshwar,
Standing Counsel

ORDER

The petitioner has filed this writ petition seeking for issuance of a writ of mandamus to forbear the respondents / Electricity Board from evicting him from the premises situated at Door No.10/1B and Door No.10/1B1 of New Ward-A, Block 25, T.S.No.18 of Mettur Town, Mettur Taluk, Salem District, to the extent of 17 cents, without following the procedure as laid down under law.

2. It is averred in the affidavit filed in support of the writ petition that while the petitioner was in occupation of 2.75 acres of land situated at Old Block No.13, T.S.No.9/238, Mettur Town and Taluk, the Junior Engineer of the Public Works Department, who visited the said premises on 16.06.1992, directed him to vacate the said premises within a period of 7 days, as the said land required for Central Siddha Medicinal Plants Research Garden and Laboratories. Thereafter, the petitioner also handed over the said land and after taking over of the same, a house site to an extent of 17 cents was allotted to him by the Public Works Department. In the said land, the petitioner had constructed two concrete buildings. Whiles, on 27.01.2009, the respondents/Electricity Board had attempted to vacate the petitioner from the said premises. Therefore, the petitioner has filed the present writ petition seeking to forbear the respondents/Electricity Board from evicting him from the premises in question.

3. It is settled law that if there is any dispute with regard to the title of the land, the same has to be adjudicated only before the competent Civil, not before this Court sitting under Article 226 of the Constitution of India, therefore, the petitioner cannot come to this seeking such a prayer stated supra as he has to establish his right of title only before the competent Civil Court.

4. Learned standing counsel appearing for the respondents / Electricity Board stated that after filing of the Civil Suit by the petitioner in O.S.No.28 of 2009 on the file of the District Munsif Court, Mettur, the petitioner had also withdrawn the same on 03.11.2010 itself.

5. In view of the aforesaid facts and circumstances of the case, nothing survives for further adjudication and accordingly, the writ petition is dismissed. No Costs.

Sd/-

Assistant Registrar (CO)

//True copy//

Sub Assistant Registrar

rkm

To

1.The Superintending Engineer,
Mettur Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Mettur Dam.

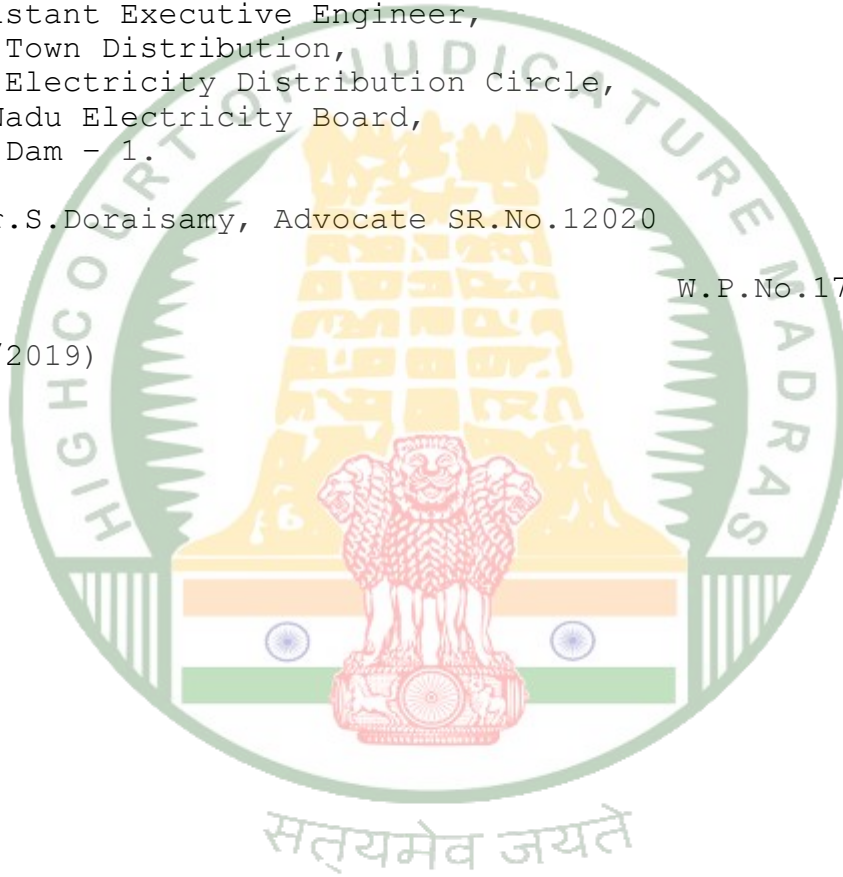
2.The Assistant Engineer (Civil),
Mettur Workshop,
Tamil Nadu Electricity Board,
Mettur Dam.

3.The Assistant Executive Engineer,
Mettur Town Distribution,
Mettur Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Mettur Dam - 1.

+lcc to Mr.S.Doraisamy, Advocate SR.No.12020

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VSN II(CO)
GMY(19/03/2019)



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