

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2019

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.33397 of 2018
& W.P.M.P.No.38766 of 2018

Mr.M.Guruswamy Pandian

....Petitioner

--Vs--

1. The Assistant Executive Engineer/O & M,
Tamil Nadu Electricity Board,
Medavakam Sub Division,
Tambaram Division, Chennai-601 302

2. B.Natarajan

3. The Tahsildar,
Tambaram

(R3 Suo Motu impleaded vide order dated 10.01.2019)

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus, directing the 1st respondent to accord permanent service connection to the petitioner's property situate at S.No.8/1, Vengaivasal Village, Tambaram Taluk, Kanchepuram District measuring about 50 cents.

For Petitioner : Mr.A.Selvendran

For Respondent-1 : Mr.S.K.Raameshuwar,
Standing Counsel for TNEB.

For Respondent-2 : Mr.R.Anand Kumar

For Respondent-3 : Mrs.R.Janaki,
Additional Government Pleader.

O R D E R

Mrs. L.Shanthi, Tahsildar, Tambaram, is present before this Court today. This Court passed an order on 23.01.2019 and issued bailable warrant to secure the presence of Tahsildar Tambaram.

2. The Additional Government Pleader, who represents the Tahsildar today, made a submission that the Tahsildar was very much present on that day on 23.01.2019 and was waiting in the queue, in order to secure pass to enter inside the High Court premises. The Additional Government Pleader further states that on account of the information provided to the Tahsildar, she had returned to her office without entering the High Court premises.

3. However, the said information was not provided to this Court on 23.01.2019. The Additional Government Pleader on that day made a submission that the information regarding the order was communicated to one Smt.Shanthi, to the office of the Tahsildar. However, the fact that the Tahsildar was very much standing in the queue to secure pass in order to enter the High Court premises on 23.01.2019, was not intimated to the Court. Thus, this Court issued bailable warrant.

4. The Tahsildar, who is very much present before this Court today, fairly made a submission that she was not at all present nor was standing in the queue, to secure pass in the High Court premises on 23.01.2019. She had gone somewhere to attend election related works. Thus, this Court with pain record the contradictory submissions made by the Additional Government Pleader also.

5. The learned Additional Government Pleader being a responsible official and an Officer of the Court is expected to submit the truth and truth alone, more specifically, in respect of these informations. In view of the fact that the Tahsildar has informed the truth before this Court, the bailable warrant stands recalled.

6. The relief sought for in the present writ petition is to direct the 1st respondent to accord permanent service connection to the petitioner's property situated at S.No.8/1, Vengaivasal Village, Tambaram Taluk, Kanchepuram District measuring about 50 cents.

7. The learned counsel for the writ petitioner states that he is the absolute owner of the property, described in the present writ petition and he inherited the same from his father. The petitioner submitted an application seeking permission to accord permanent service connection to the petitioner's property, situated at S.No.8/1, Vengaivasal Village, Tambaram Taluk, Kanchepuram District. However, the application was not considered by the Tamil Nadu Electricity Board Authorities and

therefore, the petitioner is constrained to move the present writ petition.

8. The grievances of the writ petitioner is that though, the petitioner has submitted all requisite documents and also paid the necessary fee, for the purpose of processing the application, the said documents and the applications were not considered by the respondent-Electricity Board.

9. The learned counsel appearing on behalf of the respondent disputed the contentions raised on behalf of the writ petitioner by stating that the writ petitioner is not the owner of the property. The 2nd respondent is having valid right over the property and therefore, the very claim set out in the writ petition is not maintainable. The writ petitioner is not entitled for any service connection, and the present writ petition is filed for the purpose of securing service connection and to establish the title in an illegal manner. Thus, the present writ petition is liable to be rejected.

10. During the course of argument, the very classification and the nature of the land is questioned by the respective learned counsels appearing on behalf of the parties to the lis on hand. In view of the ambiguity, in respect of the nature of the land and the classification, this Court has impleaded the Tahsildar Tambaram suo motu in the writ petition as 3rd respondent, who in turn is present before this Court today.

11. On 29.01.2019, the Tahsildar has made a submission that in the revenue records the land described in the present writ petition is classified as 'Ryotwari Punjai' and it is stated in the revenue records that the land stands in the name of villagers. The classifications shows that the land does not stand in the name of any individual, and it stands in the name of the 'villagers' as a whole. When such a submission is made before this Court by Mrs. Shanthi, Tahsildar Tambaram party in person, this Court has to necessarily direct the authorities competent to conduct an enquiry, in respect of the nature of the land and other connected issues.

12. It is brought to the notice of this Court that the 2nd respondent created bogus documents, in respect of the property in question. However, the said statement is disputed by the learned counsel appearing on behalf of the 2nd respondent.

13. In view of the fact that the respective learned counsels are questioning the validity of the documents, and further raised a point that certain bogus and fraudulent documents have been created by the 2nd respondent, in respect of the property described in the present writ petition, an enquiry in detail is required by the competent authority namely, the District Revenue Officer, Kancheepuram.

14. It is made clear that the respective parties shall maintain peace, for the purpose of conducting an enquiry by the District Revenue Officer and in the event of any unnecessary issue, if any, raised the District Revenue Officer is directed to register Police complaint, in the event of violating the Code of Conduct required for the purpose of appearing before the Quasi Judicial Officer and to make submissions in a proper way.

15. In view of the facts and circumstances, the District Revenue Officer Kancheepuram is directed to conduct an enquiry by verifying the revenue records and all other connected records and by affording an opportunity to all the parties concerned, the petitioner as well as 2nd respondent and pass an order on merits and in accordance with law within a period of eight(8) weeks, from the date of the receipt of a copy of this order.

16. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

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To Sub Assistant Registrar

1. The Assistant Executive Engineer/O & M,
Tamil Nadu Electricity Board,
Medavakam Sub Division,
Tambaram Division, Chennai-601 302

2. The Tahsildar,
Tambaram

3. The District Revenue Officer,
Kancheepuram

+1 cc to Mr.S.K.Raameshuwar, Advocate, S.R.No.7162

+1 cc to Mr.R.Anand Kumar, Advocate, S.R.No.6998

+1 cc to the Government Pleader, S.R.No.7609

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KAN(CO)
SSM(06/03/2019)