



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.09.2019

CORAM:

**THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE Mr.JUSTICE KRISHNAN RAMASAMY**

W.P. (MD) .No.19484 of 2019

and

W.M.P. (MD) .Nos.15924 and 15925 of 2019

Arasukodi

... Petitioner

V.

- 1.The District Collector,
Theni District,
Theni.
- 2.The Sub Collector,
Uthamapalayam Division,
Uthamapalayam,
Theni District.
- 3.The Tahsildar,
Uthamapalayam Taluk,
Theni District.
- 4.The Municipal Commissioner,
Gudalur Municipality,
Theni District.
- 5.The Superintending Engineer(TANGEDCO)
Theni Electricity Distribution Circles,
TNEB Complex,
NRT Nagar Main Road,
Theni.
- 6.The Executive Engineer,
TANGEDCO,
Chinnamanur,
Theni District.
- 7.The Assistant Engineer,
TANGEDCO,
Gudalur,
Theni District.



8.O.Kodiyarasan
9.Geetha

... Respondents

PRAYER: This petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to take necessary action to remove the encroachment made by the 8th and 9th respondents herein in the 'Poramboke Pathai' in Survey No.2307/94 in Keelagudalur Village, Uthamapalayam Taluk, Theni District and consequentially direct the respondents 5 to 7 to restore the electricity connection in No.05-558-004-432 by considering the petitioner representation dated 16.08.2019.

For Petitioner: Mr.S.Balakarthick
For R1 to R3 : Mr.A.K.Baskarapandian
Special Government Pleader
For R4 : Mr.Karuppasamy
For R5 to R7 : Mr.S.M.S.Johny Basha

ORDER

(Order of this Court was made by **T.S.SIVAGNANAM, J**)

The petitioner by way of this writ petition virtually seeks for two reliefs. One is on the ground that the respondent Nos. 8 and 9 have encroached into the Government property. The second limb of the direction is sought for to direct the respondents 5 to 7 to restore the electricity supply to the petitioner's premises which according to the petitioner was unathorizedly disconnected by the respondent Nos.8 and 9.

2.Mr.A.K.Baskara Pandian, learned Special Government Pleader, on instruction, submitted that the petitioner is also an encroacher and the Commissioner of Gudalur Municipality, Theni District, is looking into the matter and he will take note of the factors and examine as to whether the respondents 8 and 9 are the encroachers and proceed in accordance with law.

3.Since we are disposing of the writ petition without notice to the respondents 8 and 9, we do not propose to issue any positive direction, except to observe that the Commissioner of Gudalur, Theni District, shall proceed in accordance with law, after notice to the respondents 8 and 9 as well as the petitioner. So far as the disconnection of the electricity supply is concerned, we give liberty to the petitioner to submit representation to the 7th respondent within a period of one week from the date of receipt of a copy of this order and on receipt of the said representation, the 7th respondent shall conduct spot



inspection and proceed in accordance with law within a period of three days thereafter.

4. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar (CS)

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To:

1. The District Collector,
Theni District,
Theni.

2. The Sub Collector,
Uthamapalayam Division,
Uthamapalayam,
Theni District.

3. The Tahsildar,
Uthamapalayam Taluk,
Theni District.

+1 CC to M/s.GP (SR-86134[F] dated 10/09/2019)

+1 CC to M/s.S.BALAKARTHICK, Advocate (SR-86209[F] dated 10/09/2019)

W.P. (MD) .No.19484 of 2019

and

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