

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 22.09.2021

CORAM
The Hon'ble Mr.Justice Krishnan Ramasamy

C.R.P (NPD)Nos.3362 to 3367 of 2011 (six cases)
and

M.P.Nos.1 of 2011 (six in nos.)

1. The Chairman,
Tamil Nadu Electricity Board,
Chennai, having Office at Chennai.

2. The Executive Engineer,
General Construction Circle, (Central)
Tamil Nadu Electricity Board,
Thiruchirappali,
having Office at Thiruchirappali

..Revision Petitioners

Vs.

Pattupilla

... Respondent

PRAYER:

Civil Revision Petition filed under Article 227 of the Constitution of India against the common order and decretal order, dated 31.03.2011, in Tel.O.P.No.7 of 2005, on the file of the Additional District Judge, FTC.No.2, Cuddalore.

For Revision Petitioners } M/s.V.Viswanathan,
in all C.R.Ps. no appearance

For Respondent in C.R.P.(NPD)
Nos.3362 to 3366/2011 } Notice not ready

For Respondent-1 in C.R.P.(NPD)} Died
No.3367/2011

For Respondents 2 to 4 in C.R.P.(NPD)} Notice not ready
No.3367/2011

COMMON ORDER

When these matters are taken up for hearing today (i.e. 22.09.2021), none appeared on behalf of the revision petitioners.

2. The matters pertain to re-fixation of compensation for passing through the overhead electricity line on the respondents' flat.

3. It appears that, originally, the order was passed by the District Magistrate/Collector, Cuddalore District, on 02.08.2004, vide REF.C3/61031/99. The same was challenged before the Court below in Tel.O.P.Nos.7 to 10, 12 and 13 of 2005 and the Court below vide common order, dated 31.03.2011, modified the order and the same is

under challenge before this Court.

4. The Civil Revision Petitions were filed in the year 2011 and the same were admitted by the Court on 26.09.2011 and interim stay was granted. Thereafter, vide order, dated 14.08.2020, fresh notice was ordered both through Court as well as privately, returnable by 04.09.2020. Insofar as notices in respect of the respondents in C.R.P.(NPD)Nos.3362 to 3366/2011 are concerned, the same were returned with an endorsement 'No such person'. Therefore, it is for the revision petitioners to take steps to find out the correct address of the respondent in order to serve notice. So far as first respondent in C.R.P.(NPD) No.3367/2011 is concerned, he died and hence, the revision petitioner ought to have taken steps to implead the legal representatives of the deceased first respondent. Though the notice in respect of respondents 2 to 4 in C.R.P.(NPD) No.3367/2011 were refused, no affidavit of service has been filed.

5. Thus, it is seen that the cases are pending for a decade, and

with the strength of the Interim Order of Stay, Electricity board has not shown any interest to prosecute the same, and unnecessarily, the respondents are suffering without getting any compensation. Therefore, this Court is not inclined to keep these matters pending any more.

6. Accordingly, these Civil Revision Petitions are dismissed for non-prosecution. Consequently, connected miscellaneous petitions are closed. No costs.

22.09.2021

Index: Yes/No
Speaking/Non-speaking Order
mka/sd

To
The Additional District Judge,
FTC.No.2, Cuddalore.

Krishnan Ramasamy, J.,
mka/sd



C.R.P (NPD)Nos.3362 to 3367 of 2011

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