

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.1461 of 2018

Indirani

... Petitioner

Vs.

- 1.The Secretary to Government,
Highways & Minor Ports Department,
Fort St. George, Secretariat,
Chennai - 600 009.
- 2.The Director General,
Highways Department,
Integrated Chief Engineers' Office,
HRS Campus, 76 Sardar Patel Road,
Guindy, Chennai - 600 025.
- 3.The Executive Engineer,
Kancheepuram District State Highways,
Integrated Chief Engineers' Office,
HRS Campus, 76 Sardar Patel Road,
Guindy, Chennai - 600 025.
- 4.The District Collector,
Kancheepuram District, Kancheepuram.
- 5.The Special Tasildhar,
Land Acquisition, Sholinganallur Taluk,
Sholinganallur, Kancheepuram District.
- 6.The Superintending Engineer,
TANGEDCO, Keelkattalai,
Chennai - 117.
- 7.The Assistant Executive Engineer,
TANGEDCO, Keelkattalai, Chennai - 117.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, to direct the 6th respondent to restore the electricity for the service connection No.259-268-4319 for the house property of the petitioner situated at No.137, Medavakkam Main

Road, comprised in S.No.123/1B, Block No.8, Kovilambakkam Village, Sholinganallur.

For Petitioner : Mr.M.Manohar

For Respondents : Mr.R.S.Selvam
Government Advocate
for R1 to R5
Mr.P.Gunaraj
Standing Counsel for R6 and R7

O R D E R

The present writ petition has been filed for a mandamus to direct the 6th respondent to restore the electricity service connection No.259-268-4319 for the house property of the petitioner situated at No.137, Medavakkam Main Road, comprised in S.No.123/1B, Block No.8, Kovilambakkam Village, Sholinganallur.

2.The connected Writ Petition in W.P.No.27417 of 2017 has been disposed of by an order dated 03.03.2021 with the following observations:-

8.Accordingly, this writ petition is disposed of with the following directions:

(i)The fourth respondent, namely the District Collector, Kancheepuram District, Kancheepuram, is directed to give necessary instructions to the Revenue officials to dispose of the representation of the petitioner for issuance of patta considering the land in which the petitioner has put up construction is the government land classified as 'Meikkal Poramboke' and it is required for a public purpose.

(ii)The fourth respondent, is further directed to initiate proceedings against the petitioner through the competent Tahsildar under the Tamil Nadu Land Encroachment Act, 1905, by following the procedure.

(iii)If the petitioner is served with a notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, it is open to the Revenue officials to proceed further, after considering the objections, if any, received from the petitioner.

(iv)Even if no notice is issued to the petitioner so far, the fourth respondent is

directed to ensure that appropriate proceedings would be initiated against the petitioner for removal of encroachment. The proceedings that may be initiated pursuant to the direction of this Court in this order, should be completed within a period of four weeks from the date of receipt of a copy of this order.

(v) If the petitioner refuses to vacate the property, after serving an order of eviction, it is also open to the respondents to take action, in accordance with law, as contemplated under the Tamil Nadu Land Encroachment Act, 1905, by using force.

(vi) After removal of encroachment, it is open to the respondents to lay the road, as contemplated, within a period of 12 weeks thereafter, after removal of the encroachment in the manner known to law.

The respondents shall also report compliance of the directions of this Court. The fourth respondent is also directed to file a report as and when the direction of this Court is complied with. No costs. Consequently, the connected writ miscellaneous petition is closed.

3. In the light of the above order dated 03.03.2021 of this Court in W.P.No.27417 of 2017, the respondent shall maintain the status quo till the disposal of the proceedings, pursuant to the aforesaid order dated 03.03.2021 in W.P.No.27417 of 2017.

5. This writ petition is disposed of with the above observations. No costs.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Highways & Minor Ports Department,
Fort St. George, Secretariat,
Chennai - 600 009.

2.The Director General,
Highways Department,
Integrated Chief Engineers' Office,
HRS Campus, 76 Sardar Patel Road,
Guindy, Chennai - 600 025.

3.The Executive Engineer,
Kancheepuram District State Highways,
Integrated Chief Engineers' Office,
HRS Campus, 76 Sardar Patel Road,
Guindy, Chennai - 600 025.

4.The District Collector,
Kancheepuram District, Kancheepuram.

5.The Special Tasildhar,
Land Acquisition, Sholinganallur Taluk,
Sholinganallur, Kancheepuram District.

6.The Superintending Engineer,
TANGEDCO, Keelkattalai,
Chennai - 117.

7.The Assistant Executive Engineer,
TANGEDCO,
Keelkattalai, Chennai - 117.

+1cc to Mr.P.Gunaraj, Advocate, S.R.No.21525

+2cc to Mr.R.Rajarajan, Advocate, S.R.No.21603, 21973

+1cc to the Government Pleader, S.R.No.21930

W.P.No.1461 of 2018

GPL(CO)
CB(18/05/2021)

सत्यमेव जयते

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