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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13-12-2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.30025 of 2014

And

MP No.1 of 2014

S.Sundaramurthy

..Petitioner

vs.

1. The Executive Engineer,
Tamil Nadu Electricity Board,
CEDC-North-Ponneri,
TNEB Complex,
Venbakkam,
Ponneri,
Thiruvallur District - 601 204.

2. The Assistant Engineer,
Tamil Nadu Electricity Board,
O&M/Medur,
CEDC-North-Ponneri,
Medur Village,
Ponneri Taluk,
Thiruvallur District - 601 204.

3. The Revenue Divisional Officer,
Thiruvallur District,
Thiruvallur.

(R-3 impleaded vide order of Court
dated 09.03.2015 made in

MP No.1 of 2015 in WP No.30025 of 2014).

..Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned orders passed by the second respondent dated 17.10.2014 and 09.11.2014 and quash the same and consequently direct the respondents not to disconnect the electricity service connection bearing S.C.No.088-015-584 and S.C.No.088-015-585 to the petitioner's land comprised in S.Nos.194/1 to 194/10 situated at Tiruppalaivanam-II Village, Ponneri Taluk.



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For Petitioner : Mr.M.Ram Doss

For Respondents-1 and2: Mr.L.Jaivenkatesh,
Standing Counsel for TANGEDCO.

For Respondent-3 : Mr.M.Rajendiran,
Additional Government Pleader.

O R D E R

The order impugned dated 17.10.2014 issued by the second respondent reveals that the 'Government Poramboke Lands' were encroached and in the encroached 'Government Poramboke Lands', the petitioner is doing Aqua Culture Business.

2. The petitioner states that he is the owner of the property measuring an extent of 3.88 acres comprised in S.Nos.194/1 to 194/10 situated at Tirupalaivanam-II Village, Ponneri Taluk. The petitioner further states that his father had purchased the said properties by way of Sale Deeds dated 30.11.1974. The said properties were agriculture lands and subsequently, it became salt lands due to T-sunami and on account of natural calamities. Therefore, the properties became not suitable for agricultural purposes. Thus, the petitioner is using the said properties for aqua culture for the past more than twenty years.

3. Though the petitioner claims that he is the owner of the subject properties, the third respondent-Revenue Divisional Officer, Thiruvallur District, Thiruvallur has issued an order to the Electricity Board stating that the 'Government Poramboke Lands' are encroached by the persons and in the encroached lands Aqua Culture is functioning. Thus, the Electricity Board was requested to disconnect the Electricity Service Connection for the purpose of effecting eviction of the encroachers from the 'Government Poramboke Lands'. In view of the actions taken by the second respondent, the petitioner has chosen to file the present writ petition.

4. The counter-affidavit filed by the second respondent also reveals that the third respondent-Revenue Divisional Officer sent a letter to the Electricity Board on 15.10.2014 stating that the 'writ petitioner land is classified as 'Poramboke Land' and the petitioner illegally obtained Electricity Service Connection for the same from the Board and consequently has stated that the Electricity Service Connection must be disconnected.



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5. This Court is of the considered opinion that once the Revenue Authority has identified the land as 'Government Poramboke Land' and has written a letter to the Electricity Board for effecting disconnection to Electricity Service Connections provided in the 'Poramboke Land', the Authorities are bound to comply with the provisions of the Electricity Act.

6. In the present case, the third respondent-Revenue Divisional Officer was impleaded as a party and therefore, the third respondent-Revenue Divisional Officer, Thiruvallur has to evict all the encroachers from the 'Government Poramboke Lands' and utilise the said lands for public purposes. If at all the petitioner claims that he is the owner of the property, it is left open to the petitioner to approach the Competent Civil Court of Law for the purpose of establishing his property right. Contrarily, he cannot question the actions taken by the Revenue Authorities for the purpose of eviction of encroachers from the 'Government Poramboke Lands'.

7. This being the principles to be followed, the third respondent-Revenue Divisional Officer is directed to verify the revenue records once again and evict the all the encroachers from the 'Government Poramboke Lands' by following the procedures contemplated under the provisions of the Tamil Nadu Land Encroachment Act, 1905 and utilise the 'Government Lands' for the public purpose. In this regard, the second respondent is also bound to comply with the request of the Revenue Authorities for disconnection of Electricity Service Connections. The third respondent-Revenue Divisional Officer is directed to complete the abovesaid exercise, within a period of six months from the date of receipt of a copy of this order.

8. With the abovesaid directions, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

Svn



To

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PL (CO)
RGA (30/12/2021)