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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.19029 OF 2014

AND

M.P.NOS.1 AND 2 OF 2014

Agaram Washermen Association
Registered under the Societies
Registration Act vide Regn. No.1605/M
Rep. by its President
No.178/4, Sri Karpaga Vinayagar Street,
Thirupathi Nagar, Kolathur, Chennai-99.

... Petitioner

Vs.

1. The Chairman,
Tamil Nadu Electricity Board,
Mount Road,
Chennai- 600 002.
2. The Area Engineer,
Tamil Nadu Electricity Board,
Periyar Nagar,
Chennai- 600 082
3. Sri Kusuma Haranath Thunai,
Ex-Servicemen Association,
Rep. by its President R.S. Baskaran,
No.405, Suresh Block, Chitra Avenue,
No.9, Choolaimedu High Road,
Chennai - 600 094.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents 1 and 2 from in any manner provide fresh electricity supply connection to the members/beneficiaries of the third respondent in respect of the larger extent of lands comprised in Pula No.4, T.S.No.8, Block No.2 Ayanavaram Village having an extent of 4 Acres bearing Plot No.1573-A, within the limits of the Tahsildar, Ayanavaram and S.R.O. Villivakkam.



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For Petitioner : Mr.T.S.Rajamohan
For R1 to R2 : Mr.L.Jai Venkatesh
Standing Counsel [TNEB/TANGEDCO]
For R3 : Mrs.R.Meenakshi

O R D E R

The writ on hand has been instituted to forbear the respondents 1 and 2 from in any manner providing fresh electricity supply connection to the members/ beneficiaries of the third respondent in respect of the larger extent of lands comprised in Pula No.4, T.S.No.8, Block No.2 Ayanavaram Village having an extent of 4 Acres bearing Plot No.1573-A, within the limits of the Tahsildar, Ayanavaram and S.R.O. Villivakkam.

2. The learned counsel for the petitioner made a submission that the members of the 3rd respondent Association, who all are Ex-Servicemen had encroached upon the water body in the particular area and the respondents 1 and 2 are attempting to provide electricity connection. Thus, the petitioner Association filed the writ petition to forbear the respondents 1 and 2 from providing Electricity Service connection.

3. The grievances of the petitioner is that the land, which is a water body cannot be occupied by the Ex-Servicemen, who all are members of the 3rd respondent Association and no electricity service connection is to be provided in that locality.

4. The learned counsel appearing on behalf of the 3rd respondent drew the attention of this Court with reference to the writ petition filed by one Mr.V.Karunakaran, President, G.K.M. Colony Consumer Protection Council in W.P.No.6764 of 2012. The Hon'ble Division bench of this Court considered the issue relating to the occupation of the Ex-Servicemen, who all are the members of the 3rd respondent Association and the manner in which the lands were allotted to them.

5. It is pertinent to note that the subject property originally belongs to the Defense Ministry and it was a Defense land utilized as a Rifle Range. The Rifle Range was abandoned and thereafter, the said portion of the land was allotted for the benefit of the Ex-Servicemen by the Defense Ministry and in this regard the letter dated 31.03.1977 issued by the Deputy Director, Military Lands and Cantonments, Ministry of Defence, New Delhi which reads as follows:



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No.10/45/2 (L&C) /69/MAD/Vol.11
Government of India,
Ministry of Defense (ML & C Dte),
New Delhi Dt.31 March 1977.

The Deputy Director, ML & C
HQ Southern Command, Poona

SUBJECT : TRANSFER OF DEFENCE LAND COMPRISING
AYNAVARAM RIFLE RANGE MADRAS TO SHRI
KUSUMA HARANATHA EX-SERVICE MEN
ASSOCIATION GENERAL KUMARAMANGALAM
COLONY MADRAS.

1. I am directed to convey the sanction of the President to the transfer of 139.07 acres of Defence land, comprising, Ayanavaram, Rifle Range, Madras, to Sri Kusuma Haranatha Ex-Service Men, Association, General Kumaramangalam Colony, Madras -82 on payment of sum of Rs.27,80,000/- (Rupees twenty seven lakhs eighty thousands only) subject to the conditions that in the further disposal of the subject land to actual occupants, the association would keep in view considerations of confirming to a proper development plan and layout etc., which would be finalized in consultation with the state Government and /or other local authorities concerned.

2. The amount realized will be creditable to Major Head 069-Minor Head 4-Sub Head -C(b) of the defence services estimates.

3. This issues with the concurrence of the Ministry of Finance (defence) vide their U.O.No.612/W/VI of 1977.

Yours Faithfully

Sd/-
Deputy Director
Military Lands and Cantonments
(H.S.Lanba)



6. Pursuant to the allotment of the said land on payment of cost by the Ex-Servicemen, the lands were divided between the Ex-Servicemen for construction of residential houses.

7. The learned counsel for the 3rd respondent made a submission that out of 1842 members of the 3rd respondent Association, 1762 members were allotted lands in that locality. Many of the members had already constructed the house and residing there. The electricity service connection were already provided by the Electricity Board. The writ petitioner is raising an objection on flimsy grounds and under the wrong pretext that the land is a water body and the Hon'ble Division Bench had adjudicated this issue and made a finding that the said property was not a water body and it was not encroached by the members of the 3rd respondent Association but allotted by the Defense Ministry.

8. The learned counsel for the Tamil Nadu Electricity Board also made a submission that under Regulation 29(6) of Distribution Code, all concerned must provide way for providing electricity connection to the consumers and obstruction in this regard is impermissible and unlawful.

9. Based on the provisions of Electricity Distribution Code, service connections were provided by following the procedures and on payment of necessary charges by the applicants. It is pertinent to note that many of the members of the 3rd respondent Association have constructed houses and provide with the electricity service connection and it is brought to the notice of this Court that the entire area have been developed to such an extent and therefore the claim of the writ petitioner deserves no further consideration.

10. As far as the petitioner Association is concerned, they are no way connected with the electricity service connection to be provided to the members of the 3rd respondent Association, who all are Ex-Servicemen. However, they raised an objection merely on the ground that the 3rd respondent is an encroacher. The Hon'ble Division Bench adjudicated this issue and made a findings that the subject property was allotted by the Defense Ministry in favour of the Ex-Servicemen and therefore, there is no illegality as such.

11. Thus, the petitioner has not established even a semblance of any legal right for the purpose of considering the relief as such sought for in the present writ petition and



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accordingly, the Writ Petition stands dismissed. No costs.
Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Jeni/Cse

To

1. The Chairman,
Tamil Nadu Electricity Board,
Mount Road,
Chennai- 600 002.
2. The Area Engineer,
Tamil Nadu Electricity Board,
Periyar Nagar,
Chennai- 600 082.

+1cc to M/s.R.Meenakshi, Advocate, S.R.No.62524

W.P.No.19029 of 2014

VGII(CO)
RLP(14/12/2021)