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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.26169 OF 2021

M.Tharabai

... Petitioner

.Vs.

1. The District Collector,
Thiruppattur District,
Thiruppattur.
2. The District Revenue Officer,
Thiruppattur District,
Thiruppattur.
3. The Revenue Divisional Officer,
Vaniyambadi Taluk,
Thairuppattur District.
4. The Junior Engineer,
Tamil Nadu Electricity Board,
Kailasagiri,
Thiruppattur District.
5. The Assistant Engineer,
Tamil Nadu Electricity Board,
Pernambut, Vellore District.
6. The Executive Engineer,
Tamil Nadu Electricity Board,
Gudiyattam,
Vellore District.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the Respondents 4 to 6, to give electricity service re-connection to the Community Hall situated at Kailasagiri Village Ambur Taluk, Vellore District in Service Nos.475-007-2041 and 475-007-2951, immediately.



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For Petitioner : Mr.R.Govindasamy
For 1st Respondent : Mrs.C.Sangamithirai
Special Government Pleader
For Respondents 2 & 3 : Mr.S.Prabhakaran
Government Advocate
For Respondents 4 to 6 : Mr.L.Jai Venkatesh

O R D E R

Petitioner has come up with this Writ Petition seeking a direction to Respondents 4 to 6, to give electricity service re-connection to the Community Hall situated at Kailasagiri Village Ambur Taluk, Vellore District in Service Nos.475-007-2041 and 475-007-2951, immediately.

2. According to the Petitioner, she has been assigned lands measuring an extent of 6.5 ares in S.No.359/2 and an extent of 11.0 ares in S.No.359/3, totally measuring an extent of 43 cents in Kailasagiri Village, Ambur Taluk, Vellore District, as per order No.183/1416, dated 15.12.2006 under "Landless Agricultural Family Land Assignment Special Scheme, 2006" introduced by the Government of Tamilnadu. As per the allotment order, the beneficiary shall start cultivation within a period of one year and the beneficiary shall not use the said land other than agricultural purpose and if the land is used for any other purpose, the Government is entitled to impose tax for the said land.

3. It is the case of the Petitioner that, she paid tax to the Revenue Authority every year without any default from the date of assignment. As she is a poor agriculturist without any other source of income, she constructed a small Community Hall in one part of the land to an extent of 10 cents, after getting permission from the Panchayat. The grievance of the Petitioner is that, based on the false complaint made by one Pushparaj to the 3rd Respondent herein, the Sub-Collector, Thirupattur, vide proceedings dated 10.07.2015, cancelled the patta granted to the Petitioner, without conducting proper enquiry. Challenging the same, the Petitioner filed W.P.No.23502 of 2014 and this Court, by an order dated 12.10.2020 set aside the impugned order and remitted the matter to the Sub-Collector, Thirupattur to conduct fresh enquiry.



4. Pursuant thereto, the Sub-Collector, Thirupattur conducted an enquiry on 28.07.2021. However, the 3rd Respondent vide order dated 15.09.2021 cancelled the patta granted to the Petitioner. Challenging the same, the Petitioner preferred an Appeal under Section 15 of Revenue Standing Orders before the 1st and 2nd Respondents herein. As the same is pending consideration, the Petitioner filed W.P.No.23683 of 2021 seeking a direction to the Respondents to consider his Appeal dated 04.10.2021. The said Writ Petition was disposed of with a direction to the Respondents to consider the Petitioner's Appeal dated 04.10.2021 in accordance with law within a period of sixteen weeks. Thereafter, the Petitioner's Appeal was taken up by the 2nd Respondent on 23.11.2021, for enquiry.

5. In the meanwhile, on 15.11.2021, the 4th Respondent/Electricity Board disconnected service connections given to the Petitioner's Community Hall, without any notice. Hence, the Petitioner approached the 4th Respondent/Electricity Board and requested them to give re-connection of electricity supply till the disposal of his Appeal dated 04.10.2021 on the file of the 2nd Respondent herein. As his request was not considered, the Petitioner made a written representation dated 24.11.2021 to the Respondents 4 to 6 to give electricity service re-connection. As there is no response to the same, having no other alternative, the Petitioner is before this Court.

6. Learned counsel for the Petitioner contended that, when the Petitioner's Appeal Petition dated 04.10.2021 is pending before the 2nd Respondent, electricity service connection in the Petitioner's Community Hall ought not to have been disconnected. However, he pleaded that, this Court may issue a direction to Respondents 4 to 6 to consider the Petitioner's representation dated 24.11.2021 within a reasonable time, as per the Tamil Nadu Electricity Supply Code.

7. Learned Standing Counsel appearing for Respondents 4 to 6/Electricity Board submitted that, the Petitioner's representation dated 24.11.2021 seeking electricity service re-connection will be considered within a reasonable time.

8. Considering the facts and circumstances of the case and taking note of the submissions of the learned counsel on either side, this Court directs Respondents 4 to 6 herein to consider the Petitioner's representation dated 24.11.2021 in accordance with law and as per the Tamil Nadu Electricity Supply Code, after affording an opportunity of hearing to the parties and



pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order.

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The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

(aeb)

To

1. The District Collector,
Thiruppattur District,
Thiruppattur.
2. The District Revenue Officer,
Thiruppattur District,
Thiruppattur.
3. The Revenue Divisional Officer,
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Pernambut, Vellore District.
6. The Executive Engineer,
Tamil Nadu Electricity Board,
Gudiyattam, Vellore District.

+1cc to Mr.L.Jai Venkatesh, Advocate, S.R.No.65674
+1cc to Mr.R.Govindasamy, Advocate, S.R.No.64986
+1cc to the Government Pleader, S.R.No.65272

W.P.NO.26169 OF 2021

RSV(CO)
PBS/30/12/2021