



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 31.01.2022
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.288 of 2022
and
W.M.P.Nos.314 and 315 of 2022

Kotiyar @ Chenniah Reddy
Petitioner

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Vs.

1. The Assistant Engineer,
Operation and Maintenance
Tamilnadu Electricity Distribution Circle
Vennampatti
Dharmapuri-636 705
Dharmapuri District.

2. The Executive Engineer,
Operation and Maintenance
Tamilnadu Electricity Distribution Circle
Vennampatti
Dharmapuri-636 705
Dharmapuri District.

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Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari and Mandamus calling for the records relating to the order passed by the 1st respondent in Letter No.A.E/O&M/Va patti/Co-Ind/No.32/2021 dated 22.07.2021 and quash the same and consequently direct the respondents not to provide an electricity connection to the land beneficiaries in respect of land in Survey No.399, 413 at Virupachipuram Village, Dharmapuri Taluk and District.

For Petitioner : Mr.M.Elango

For Respondents : Mr.Abul Kalam, Standing Counsel

O R D E R

The petitioner has filed this writ petition to call for records relating to the order passed by the 1st respondent and quashment of the same.



2. The case of the petitioner is that he is the owner of the land in Survery No.339 & 413 to an extent of 1.75.0 Hec. at Virupachipuram Village, Dharmapuri Taluk. For acquiring the said land, a notification under Section 4(1) of the Act was made by the Government on 18.05.1995 followed by a declaration U/s.6 on 01.07.1996. Since no award was given within a period of 2 years from the date of declaration, the petitioner filed a Writ Petition in W.P.No.17992 of 2010 before this Court to quash the acquisition proceedings and the same is pending. Further, the authority did not take physical possession of land and thereafter the petitioner again filed W.P.No.39496 of 2015 before this Court seeking to declare the acquisition proceedings as lapsed U/s.24(2) of the Land Acquisition Act, 2013 and the same is also pending. At this juncture, the respondents are in process of providing electricity connection to the land beneficiaries. Therefore, the petitioner made a representation dated 30.12.2020 before the 2nd respondent seeking to stop the grant of electricity connection to the land beneficiaries on the ground that two Writ Petitions filed before this Court are pending. However, the 1st respondent passed the impugned order dated 22.07.2021. Challenging the same, this Writ Petition has been filed.

3. The learned counsel for the petitioner submitted that though the respondents claim that the property is in favour of the beneficiaries according to the revenue officials, this Court by its order dated 10.08.2010 has granted an interim stay of dispossession in favour of the petitioner. Since two Writ Petitions are pending before this Court, giving electricity connection to the beneficiaries is not sustainable. Hence, he pray for appropriate orders.

4. The learned Standing Counsel appearing for the respondents has no serious objection in quashing the impugned order and remanding the matter to the concerned authorities and grant liberty to the petitioner for production of relevant documents before the concerned authority.

5. On perusal of the entire records, it is evident that this Court by its Order dated 10.08.2010 has granted interim stay of dispossession however, contrary to the interim order, the respondents have taken steps to provide electricity connection to the beneficiaries which is not sustainable.

6. In view of the above, the impugned order passed by the 1st respondent is set aside and the matter is remanded to the 1st respondent and further this Court directs the petitioner to produce relevant records before the concerned authorities and the 1st respondent shall issue notice to the beneficiaries, who are occupants of the concerned property and after providing an opportunity of hearing them as well as the petitioner, the



respondents shall pass appropriate orders in accordance with law.

7. This Writ Petition is disposed of with the aforesaid direction. No cost. Consequently, Connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CCC)

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Sub Assistant Registrar

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1. The Assistant Engineer,
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Dharmapuri District.
2. The Executive Engineer,
Operation and Maintenance
Tamilnadu Elelctricity Distribution Circle
Vennampatti
Dharmapuri-636 705
Dharmapuri District.

+lcc to Mr.M.Elango, Advocate, S.R.No.5792

+lcc to Mr.L.Jaivenkatesh, Advocate, S.R.No.6152

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PCH(CO)
CT 10/03/2022