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W.P.Nos.9299, 9301 & 9305 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.Nos.9299, 9301 & 9305 of 2023
and
W.M.P.Nos.9401, 9404 & 9407 of 2023

Vasuki	... Petitioner in W.P.No.9299 of 2023
Premila	... Petitioner in W.P.No.9301 of 2023
E.Shakila	... Petitioner in W.P.No.9305 of 2023

Vs.

1.The District Collector,
Chengelpet.

2.The Executive Engineer,
Operations and Maintenance (O&M),
Madurantakam.

3.U.S.Modi

4.Geetha Devi Modi

5.V.Krishnakumar ... Respondents in all WPs

Prayer in W.P.No.9299 of 2023: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records comprised in Ka.No.EE/O&M/M/Th.U/Co.I/A.No.402/2023 dated 10.03.2023 on the file of the 2nd respondent, quash the same.



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Prayer in W.P.No.9301 of 2023: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records comprised in Ka.No.EE/O&M/M/Th.U/Co.I/A.No.403/2023 dated 10.03.2023 on the file of the 2nd respondent, quash the same.

Prayer in W.P.No.9305 of 2023: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records comprised in Ka.No.EE/O&M/M/Th.U/Co.I/A.No.401/2023 dated 10.03.2023 on the file of the 2nd respondent, quash the same.

W.P.No.9299 of 2023

For Petitioner : Mr.P.Muthukumaarasaamy
For Respondents : Mr.K.M.D.Muhilan
Additional Government Pleader [R1]
Mr.L.Jai Venkatesh [R2]
Mr.S.Ayyadurai [R3 to R5]

W.P.Nos.9301 & 9405 of 2023

For Petitioner : Mr.P.Muthukumaarasaamy
For Respondents : Mr.K.M.D.Muhilan
Additional Government Pleader [R1]
Mr.L.Jai Venkatesh [R2]
Mr.Elumalai [R3 to R5]

COMMON ORDER

Since the issue raised in these writ petitions is one and the same, with the consent of the learned counsel appearing for both sides, these writ petitions were heard together and are being disposed of by this common order.



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2. The case of the petitioners is that the petitioners claimed that they are in occupation of Survey No.611/3B/1A from the year 2005 and they have obtained Electricity service connection and Ration Card. All of a sudden, the private respondents claimed to be the owner of the above property and made a representation to disconnect the electricity service connection. However, no order was passed, hence, the private respondents filed a writ petition in W.P.No.25495 of 2021 and this Court by its order dated 01.12.2021, directed the respondents therein to give police protection to put up a compound wall around the land comprised in Survey No.633/3B1A measuring to an extent of 3.23 acres in Thenpattinam Pudhunadukuppam Village (Mugaiyur Revenue Village and Post), Cheyyur Taluk, Kancheepuram District by considering the representation dated 12.10.2021 and pass appropriate orders. Subsequently, there was an error in Survey number, thereby a clarification petition was filed and the same was ordered on 05.01.2022 by amending the Survey Number as 611/3B/1A. Thereafter, the private respondents filed another writ petition in W.P.No.472 of 2023 to direct the respondents therein to consider the representation dated 18.09.2022 submitted by the petitioner to disconnect the electricity service connections made by the respondents 4, 5, 6, 7 in the land comprised in S.No.611/3B/1A, according to the private respondents, the land is their patta land. This Court by its order dated 09.01.2023 issued a direction to



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the respondents 1 to 4 therein to conduct enquiry and following due procedure and principles of natural justice and pass appropriate orders on or before 15.02.2023. Pursuant to which, the present impugned orders are passed to disconnect the electricity service connections. Challenging the same, the present writ petitions are filed before this Court for appropriate directions.

3. The learned counsel for the petitioners fairly submitted that, though the petitioners did not possess any valid title for the property, admittedly, the private respondents' properties were taken over by the Government under the 'Tsunami Rehabilitation Project', and already the private respondents filed a suit in O.S.No.175 of 2018 in respect of other properties and they have obtained an order of interim injunction as against the persons, who encroached their properties. However, the petitioners are in lawful possession of the property, which was acquired by the Government, though there is no allotment order in favour of the petitioner, they were in occupation of the property. As per the supply code, they are entitled to enjoy the electricity service connection, unless the petitioners are evicted in the manner known to law. Accordingly, he prayed for appropriate orders.



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M.DHANDAPANI, J.

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6. Accordingly, the writ petitions are dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

27.03.2023

Index : Yes / No

Speaking order / Non-speaking order

Netrual Citation Case : Yes / No

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To

1.The District Collector,
Chengelpet.

2.The Executive Engineer,
Operations and Maintenance (O&M),
Madurantakam.

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