



W.P.Nos.15532 & 19759 of 2018

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2023

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.15532 & 19759 of 2018
and W.M.P.Nos.23207 & 18435 of 2018

Shiv Rattan Khanna

. . . Petitioner
in W.P.No.15532 of 2018

B.Nagaraj

. . . Petitioner
in W.P.No.19759 of 2018

vs.

1. The Tamil Nadu Generation and Distribution Corporation Ltd,
Rep by its Chairman and Managing Director,
No.800, Anna Salai, Chennai-600 002.

... R1 in both petitions

2. The Superintendent Engineer,
The Tamilnadu Generation and Distribution Corporation Ltd
No.800, Anna Salai, Chennai-600 002.

... R2 in both petitions

3. The Assistant Executive Engineer (Operation and Maintenance)
The Tamilnadu Generation and Distribution Corporation Ltd
No.800, Anna Salai, Chennai-600 002.

... R3 in W.P.No.15532 of 2018



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4. The Assistant Engineer,
The Tamilnadu Generation and Distribution Corporation Ltd
2nd Cross Street, 59th Street,
MMD, Mathur, Chennai-600 068

... R4 in W.P.No.15532 of 2018

5. The Assistant Engineer,
The Tamilnadu Generation and Distribution Corporation Ltd
Mathur Division, Chennai-600 068.

... R3 in W.P.No.19759 of 2018

PRAYER in W.P.No.15532 of 2018: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus or any other appropriate writ, Order or direction in the nature of a Writ of Certiorarified Mandamus calling for the records of the 4th Respondent herein relating to Letter No.உ.பொ/இ.ப/மாத்துர்/கோ.தனி/ப. No.250/2017 dated 07.10.2017 and quash the same and direct the Respondents herein to forthwith grkant electricity service connection to the petitioner in the property of an extent of 1.36 acres of lands on Survey No.87/1B1A, 2440 Sq.ft in Survey No.86/1A2A2 and survey No.87/2A in Mathur Village.

PRAYER in W.P.No.19759 of 2018: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus or any other appropriate writ, Order or direction in the nature of Writ of Certiorarified Mandamus calling for the records of the 3rd Respondent herein relating to the Letter dated 15.05.2018 in



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K.No.AE/O&M//Mathur/L.No.17/18 quash the same and direct the Respondents herein to forthwith grant electricity service connection to the petitioner in the property of an extent of 0.08.5 hectares in Survey No.194/1A,2B,1 in Mathur Village.

For Petitioners
in both Petitions : M/s.A.L.Ganthimathi,
for A.R.Karthick Lakshmanan.

For Respondents
in both Petitions : Mr.D.R.Arun Kumar,
Standing Counsel for TNEB

COMMON ORDER

Since the issue involved in the above Writ Petitions is one and the same, these Petitions are disposed of by way of this common order.

2. The above Writ Petitions have been filed assailing the impugned orders dated 07.10.2017 and 15.05.2018 which came to be passed by the Assistant Engineer, TANGEDCO, Mathur Division, Chennai and for a direction to the respondents to grant electricity service connections to the respective lands of the petitioners.



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3. The petitioner in W.P.No.15332 of 2018 claims to be the owner of the lands to an extent of 1.36 Acres in Survey No.87/1B1A; 2440 Sq.ft in Survey Nos.86/1A2A2 & 86/1B2B; 2400 Sq.ft in Survey No.86/1B2C and 4958 Sq.ft of land in survey No.87/2A in Mathur Village, by way of a registered sale deeds dated 09.05.2013 and 19.08.2013 which were purchased for a valuable sale consideration and he is in possession of the same.

4. The petitioner W.P.No.19759 of 2018 claims to be the owner of the lands to an extent of 0.08.5 hectares in Survey No.194/1A,2B,1 in Mathur Village for a valuable sale consideration and he is in possession of the same.

5. It is the case of the petitioners that their lands were acquired by the Government of Tamil Nadu including the lands falling on the southern side of MMRD Road in Mathur Village vide G.O.(Ms).No.648, Industries dated 16.09.1989 under the Land Acquisition Act for the purpose of



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establishing an aromatic complex. Due to large scale objections raised by the general public, certain lands were excluded from acquisition and transferred to Tamil Nadu Electricity Board and the Highways Department. Pursuant to the said acquisition, till date, neither possession was taken nor the compensation was paid to the land owners. Hence, the petitioners filed Writ Petitions in W.P.Nos.28329 & 28331 of 2014 respectively seeking declaration of the Land Acquisition Proceedings, as having lapsed. Pending consideration of the Writ Petitions the petitioner approached the respondent authorities for grant of electricity service connection to their respective lands. However, their request was rejected vide impugned orders dated 07.10.2017 and 15.05.2018 in view of the pendency of the above Writ Petitions. Challenging the same, the petitioners have come up with these Writ Petitions.

6. Learned Counsel appearing for the petitioners submitted that the only grievance of the petitioners is that though the lands were acquired in the year 1990, however, till date, neither possession has been taken nor compensation has been paid to the land owners. Further, lands have not



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been utilized for the purpose for which it was acquired and still the petitioners are in possession of the said lands. Hence, the petitioners, in order to carry out business in the acquired lands in which they are in possession, made a representation to the TANGEDCO authorities for grant of electricity service connection, however, their request was rejected. Aggrieved by the same, the petitioners are before this Court.

7. Learned Standing Counsel for TNEB submits that earlier, a batch of Writ Petitions in W.P.No.28329 to 28336 of 2014 was filed by subsequent purchaser challenging the Acquisition Proceedings. This Court had dismissed the Writ Petitions vide order dated 13.12.2021 holding that subsequent purchasers have no *locus standii* to question the Acquisition. Therefore, the claim of the petitioners for grant of electricity service connection in the acquired lands is wholly impermissible and accordingly, their claim has been rejected vide the impugned orders which needs no interference.



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8. This Court gave its anxious consideration to the contentions advanced by the learned counsel appearing on either side and perused the materials available on record.

9. It is the admitted case of the petitioners that the lands have been acquired in the year 1990, however, the petitioners have purchased the said lands only in the year 2013. Though, it is the claim of the petitioners that no possession has been taken and no compensation has been paid to the land owners, however, it is evident from the materials available on record that already the symbolic possession has been taken by the Government and compensation amount has also been deposited in the revenue deposit.

10. Once the lands are acquired and possession has been taken by the Government, the petitioners being the subsequent purchasers cannot claim any right over the said lands and they have no *locus standii* to question the acquisition. The issue with regard to the right of the subsequent purchaser to question the acquisition was considered by this Court in a batch of Writ Petitions in W.P.Nos.28329 to 28336 of 2014. In such circumstances, the



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claim of the petitioners for grant of electricity service connection in the acquired lands is wholly unsustainable and the act of the respondents in rejecting the petitioners' claim for electricity service cannot be found fault with. Hence, the prayer sought for in these Writ Petitions cannot be granted.

11. For the reasons aforesaid, these Writ Petitions are dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

07.03.2023

NHS

Index : Yes / No

Internet : Yes / No



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M.DHANDAPANI, J.

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