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W.P.No.34413 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2023

CORAM

**THE HON'BLE MR.JUSTICE R.MAHADEVAN
and
THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ**

W.P.No.34413 of 2017

T.Kalavathy

...Petitioner

Vs

1.The District Collector,
Kanchipuram,
Kanchipuram District.

2.The Chairman,
Tamil Nadu Electricity Board,
Annasalai, Chennai – 2.

3.The Vigilance Officer,
Tamil Nadu Electricity Board,
Mount Road, Chennai – 2.

4.The Anti Power Theft Squad,
The Tamil Nadu Electricity Board,
Anna Salai, Chennai – 2.

5.The Superintending Engineer,
CEDC, Chengalpattu, EDC, TANGEDCO,
Kancheepuram District.



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6.The A.D.E.(O & M),
Mambakkam,
Kanchipuram District.

7.E.Jayasankar

8.The Tahsildar,
Thiruporur,
Kanchipuram District.

(R8, *suo motu*, impleaded as per order
dated 05.01.2018 by MVJ & SVNJ
in W.P.No.34413 of 2017)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus, directing the respondents 1 to 6 to take legal action against the 7th respondent to remove the said unauthorized encroachment shed put up by the 7th respondent in the road margin in between petitioner house site at OMR comprised in Survey No.96/6, Kanagapattu Village, Thiruporur Taluk, Kancheepuram District and Old Mahabalipuram, Tiruporur to disconnect the illegal extension of electricity supply connected to the said unauthorized 2 wheeler Auto work shop from Old No.105, New No.25, Old Mahaballipuram Road, Kanagapattu Village, Kancheepuram District as the same had been illegally extended



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unauthorized from the next plot (i.e) Old No.105, New No.25, Old Mahaballipuram Road, Kanagapattu Village, Thiruporur Taluk, Kancheepuram District on the basis of petitioner representation dated 03.09.2016 given to the respondent 1 to 6 on a date fixed by this Court so as to take the appropriate legal action to remove the unauthorized encroachment put up by the 7th respondent.

For Petitioner : Mr.Gunaraj

For Respondents : Mr.A.Selvendran, Special Government Pleader
for R1 & R8

Mr.L.Jaivenkatesh, Standing Counsel
for TNEB for R2 to R6.

ORDER

[Order of the Court was made by R.MAHADEVAN,J.]

This Writ Petition has been filed to remove the unauthorized encroachment made by the 7th respondent in the road margin in between the petitioner's house site at OMR comprised in Survey No.96/6, Kanagapattu Village, Thiruporur Taluk, Kancheepuram District and to disconnect the



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illegal extension of electricity supply connection to the said unauthorized two wheeler auto workshop from Old No.105, New No.25, Old Mahaballipuram Road, Kanagapattu Village, Kancheepuram District.

2.When this matter was taken up for consideration, the learned Special Government Pleader appearing for the respondents 1 and 8 produced a copy of the proceedings dated 31.01.2023, wherein it has been stated that there is no encroachment as projected by the petitioner.

3.However, the learned counsel for the petitioner contended that the encroachment put by the seventh respondent still continues to exist on the road margin.

4.In view of the above submission, this court without going into the merits of the case, directs the first respondent to consider the representation of the petitioner dated 03.09.2016, if not considered earlier, and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to all the parties concerned, within a period of eight



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weeks from the date of receipt of a copy of this order. It is needless to state that if there is any encroachment as projected by the petitioner, the same shall be removed after following due process of law.

5. With the above direction, this Writ Petition is disposed of. No costs.

(R.M.D.,J.) (M.S.Q.,J.)
31.01.2023

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Index: Yes / No

Speaking Order / Non-speaking Order

Neutral Citation: Yes / No

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R.MAHADEVAN,J.



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Dated:31.01.2023