



WEB COPY



W.P.No.33636 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2023

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.33636 of 2022

and

W.M.P.Nos.19105 of 2023 & 33088 of 2022

S.Rajeswari

.. Petitioner

VS

1.The District Collector,
Collectorate Office,
Dharmapuri District, Dharmapuri – 15.

2.Competent Authority/
Special District Revenue Officer-Land Acquisition
National Highways – 844
(Hosur – Royakottai – Dharmapuri Section)
Dharmapuri

3.The Project Director (NH 844)
National Highways Authority of India
PIU – Krishnagiri
259/1, Salem Main Road
Near KAKC Petrol Bunk
Krishnagiri

4.The Asst. Executive Engineer
Jakkasamudhiram O&M/TANGEDCO Ltd.,
Palacode Taluk, Dharmapuri District.

.. Respondents

Petition filed under Article 226 of the Constitution of India
praying to issue a writ of Mandamus directing the respondent
consider the representation dated 18.11.2022 & 8.12.2022 the



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authorities to immediately shift the electricity service connection from the land in S.No.223/4, Velagahalli Village, Dharmapuri District to the petitioner's land in S.No.225/5, Velagahalli Village, Dharmapuri District without insisting for any payment from the petitioner and also to refund the amount already collected from the petitioner by following the Judgment of Hon'ble Supreme Court of India reported in 2020 (14) SCC 139 (Sajan vs. State of Maharashtra and others) within a time to be fixed by this Court.

For Petitioner : Mr.R.Ramesh Raja

For Respondents : Mr.M.Rajendiran (for R1)
Additional Government Pleader

Mr.Manjunath Karthikeyan
for Mr.Sagar Sumanth Ladda
(for R2 & R3)

Ms.Daniel Mary (for R4)

ORDER

Heard Mr.R.Ramesh Raja, learned counsel for the petitioner, Mr.M.Rajendiran, learned counsel for R1, Mr.Manjunath Karthikeyan for Mr.Sagar Sumanth Ladda, learned counsel for R2 and R3 and Ms.Daniel Mary, learned counsel for R4.

2. The petitioner claims to be the owner of land in Survey No.223/4, new Survey No.223/4B covered in patta No.459,



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Velagahalli Village, Dharmapuri District. She claims right under deed of sale executed on 23.01.2004.

3. In the course of hearing, I find that an order has been passed by the Assistant Engineer on 17.10.2022 to shift electricity service connection from survey No. 223/4 in survey No.225/5. That order has attained finality and has not been challenged till date. Hence, the relief of mandamus as sought for by the petitioner for shifting of the electricity service connection without insisting upon payment cannot be countenanced. Faced with this position, learned counsel for the petitioner seeks to withdraw this writ petition and instead seeks liberty to challenge order dated 17.10.2022.

4. Writ petition stands dismissed as withdrawn with liberty. No costs. Connected miscellaneous petitions are closed.

09.10.2023

Index:Yes/No
Neutral Citation:Yes
ssm

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DR. ANITA SUMANTH,J.

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- 3.The Project Director (NH 844)
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