



W.P.No.4890 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.4890 of 2022
and
W.M.P.Nos.5025 & 5027 of 2022

Syed Rahamathullah

...Petitioner

-Vs-

1.The Chief Engineer,
Tamil Nadu Electricity Board,
Thiruvannamalai District.

2.The Executive Engineer,
Tamil Nadu Electricity Board,
Thiruvannamalai District.

3.The Assistant Engineer,
Tamil Nadu Electricity Board,
Vada Andapattu Panchayat,
Thiruvannamalai District.

4. The Collector,
Office of Collectorate,
Thiruvannamalai District.

5. The Tahsildar,
Thiruvannamalai District,
Thiruvannamalai.



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6. The District Revenue Officer,
Thiruvannamalai District,
Thiruvannamalai.
(R4 to R6 are impleaded as proposed
parties as per the order dated 02.04.2024
in W.M.P.No.23255 of 2022)

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, direction of the District Collector dated 02.11.2017 and implement the order of the District Collector, Thiruvannamalai District.

For Petitioner	: Mr.P.B.Balasubramanian
For R1 to R3	: M/s.Daniel Mary
For R4 to R6	: Mr.E.Vijay Anand

ORDER

This writ petition has been filed for a direction directing the respondent to take appropriate action as directed by the District Collector, Tiruvannamalai District by its communication dated 02.11.2017.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner and his family members claims to be the owners of the land comprised in S.F.No.307/1, 83/2, 63/3, 64/5 situated at Andapattu



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Village, Tiruvannamalai District. By way of partition deed dated 13.12.1971, the petitioner was allotted 'C' Schedule property comprised in Survey No.63/3 to the extent of 5.28 acres of punja land. When the petitioner was in Bangalore due to avocation, in order to acquire the said land, notice was issued under Section 4 and 6 of the Land Acquisition Act by the authority concerned. It was challenged by the petitioner in W.P.No.4651 of 1995 and the same was dismissed by recording the submission of the Acquisition Authority stating that they would act only in accordance with law and will follow due process of law.

4. When the petitioner visited his property, several third parties trespassed into his property and had built up illegal construction and also obtained electricity service connection. Therefore, the petitioner submitted a representation on 21.10.2017 to the District Collector, Tiruvannamalai District and also the respondents herein to remove encroachment and electricity service connection and also the water connection provided to the encroacher. In turn, the District Collector, by his communication dated 02.11.2017 issued an order to the respondents as well as to the Revenue Authorities to take appropriate action on the representation submitted by the petitioner and report.



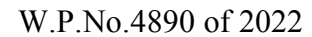
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5. As per the direction, the respondents conducted enquiry.

During enquiry, the persons, who were granted electricity service connection, were enquired and they produced sale deeds and property tax receipt in accordance with Rule 27 of the Tamil Nadu Electricity Distribution Code which required submission of certain documents for providing new service connection. The documents were verified and they were provided electricity service connection. At the same time, the petitioner did not produce any document to show that he is the owner of the land comprised in Survey No.63/3 to the extent of 5.28 acres of punja land. Further, the petitioner was served with notice for enquiry. However, the petitioner has failed to appear and failed to produce any document to show the ownership of the property. Therefore, the request made by the petitioner was rejected.

6. In view of the above, the prayer sought for in this writ petition cannot be considered and the writ petition itself is devoid of merits and is liable to be dismissed. Accordingly, this writ petition stands dismissed. The petitioner is at liberty to file a suit as against the person who allegedly occupied



Consequently, connected miscellaneous petitions are closed. No costs.

02.04.2024

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To

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