



W.P No.8528 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.05.2024

CORAM:

THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

W.P.No.8528 of 2024

Pachamuthu

..Petitioner

.Vs.

1. The District Collector
Office of the District Collector
Kalakuruchi
- 2.The Superintendent Engineer
O/o.The Superintendent Engineer
Shivaji Nagar, Lions Club Building
Kallakurichi-606 202.
- 3.The Executive Engineer
Office of the Executive Engineer
Kallakurichi Division
Rajambal Nagar, Anna Nagar
Kallakurichi-606 202.
- 4.The Assistant Executive Engineer(Town)
Office of the Assistant Executive Engineer
Sub Station Compound
Chinnasalem-606 201.
- 5.The Assistant Engineer (Town)
Office of the Assistant Engineer
Sub Station Compound
Chinnasalem-606 201
Kallakurichi.

..Respondents



W.P No.8528 of 2024

Prayer:- This Writ Petition is filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus directing the respondents 2 to 5, to restore the agricultural free electricity service connection No.1098.

For Petitioner : Mr.R.Gopinath
For Respondents : Mr.T.Venkateshkumar
Special Government Pleader for R1
Mr.Mohan Kumar for R2 to R5

ORDER

This writ petition has been filed seeking to issue a Writ of Mandamus, directing the respondents 2 to 5 to restore the agricultural free electricity service connection No.1098.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

3. Heard Mr.R.Gopinath, learned counsel appearing for the petitioner and Mr.T.Venkateshkumar, learned Government Advocate appearing for the 1st respondent and also Mr.Mohan Kumar, learned Standing Counsel appearing for the respondents 2 to 5 (through video conferencing).



W.P No.8528 of 2024

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4. The case of the petitioner is that he is an agriculturist and he along with his two sons are doing agricultural activities in his land in Survey No.750/2B1 and 7500/2B2, measuring to an extent of 3.14 hectares. In the year 1989, free electricity connection bearing No.1098 was accorded by the respondent Board and it was in use for draining water from their well for cultivation and for other purposes. The adjacent dry waste land measuring to an extent of 20 cents is in their possession since several decades. Since the adjacent owner, who is a Revenue Inspector wanted to use the said dry land for his private passage, the petitioner gave a representation to the 1st respondent for identifying the well in the patta land. On 08.11.2023, his land in Survey No.750/2B2 was surveyed and a sketch was drawn identifying that the well fall in his patta land comprised in Survey No.750/2B2. Whiles, without any prior notice to the petitioner, the free agricultural electricity connection No.1098 was disconnected by the respondents 2 to 5. Even after specific representation to restore the same, no steps have been taken to restore the electricity connection. Hence the present writ petition.



W.P No.8528 of 2024

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5. Mr.Mohan Kumar, learned Standing counsel appearing for the respondents 2 to 5 would submit that as per the report of the Firka Surveyor, the petitioner dug a well in his land in R.S.No.750/2B2 and encroached a portion of the well on the western side to an extent of 2 meters and on the southern side to an extent of 1.2 meters in the land comprised in R.S No.750/4.

6. A perusal of copy of 'A' Register and Chitta in respect of R.S No.750/4 explicates the fact that it stands in the name of Iyyam Perumal, who is the grand father of the petitioner herein.

7. On perusal of records, it learnt that the electricity connection was accorded by the respondents 2 to 5 in the year 1989 and the petitioner has been using the same for cultivation since then. Revenue records also show that the extent of Survey No.750/4 is 2 acres and 85 cents. But the respondents 2 to 5 disconnected the electricity connection which was in use of the petitioner for a long period for the agricultural purpose. Therefore, the action taken by the respondents 2 to 5 is not in accordance with law. Therefore, this Court directs the respondents 2 to 5 to restore the electricity



W.P No.8528 of 2024

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connection which stands in the name of the petitioner, more preferably within a period of eight weeks from the date of receipt of a copy of this order.

8. With the above direction, this Writ Petition stands allowed. No costs.

09.05.2024

Index: Yes/No
Speaking/Non Speaking
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To

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2. The Superintendent Engineer
O/o. The Superintendent Engineer
Shivaji Nagar, Lions Club Bulding
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3. The Executive Engineer
Office of the Executive Engineer
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Rajambal Nagar, Anna Nagar
Kallakurichi-606 202.



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W.P No.8528 of 2024

R.KALAIMATHI J.

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4.The Assistant Executive Engineer(Town)
Office of the Assistant Executive Engineer
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5.The Assistant Engineer (Town)
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Kallakurichi.

W.P.No.8528 of 2024

09.05.2024