



WEB COPY



W.P.No.11504 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.11504 of 2020

K.Suja

... Petitioner

-Vs-

1.The Chairman,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Chennai-600002.

2.The Superintending Engineer, (O & M),
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Chennai-600002.

3.The Assistant Engineer, (O & M),
Section II, TANGEDCO,
Chennai-600 110

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for the entire records pertaining to Lr.No.A/E/MADAVARAM/II.2/09/220 Divn. dated 14.07.2020 passed by the 3rd respondent and quash the same and thereby directing the respondents to provide low tension energy to the petitioner's premises at Survey No.1328/1 G.N.T.Road, Ponnammanmedu, Madavaram, Chennai-600 110.



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For Petitioner : No appearance

For Respondents : Mr.L.Jaivenkatesh,
Standing Counsel

ORDER

This Writ Petition has been filed challenging the order passed by the third respondent dated 14.07.2020, thereby cancelled the application seeking for electricity service connection.

2. Heard the learned Standing Counsel appearing for the respondents and perused the materials available on record.

3. The petitioner is in possession and enjoyment of the property comprised in Old Survey No.1328 and New Town Survey Field No.52, situated at GNT Road, Ponnammanmedu, Madavararam Taluk, Tiruvallur District admeasuring an extent of 2400 sq.ft for the past fifteen years. For the said plot, the petitioner was issued with a patta, based on which, her husband applied for electricity service connection and it was provided in S.C.No.073.001-1344. While being so, a notice under Section 7 of Tamil Nadu Land Encroachment Act 1905 was issued for



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removal of encroachment. Thereafter, an order has been passed under Tamil Nadu Land Encroachment Act and police protection was also sought for removal of encroachment. Hence, the petitioner filed a writ petition before this Court in W.P.No.27774 of 2019 for a direction to consider the representation dated 05.08.2019. This Court directed to consider the representation of the petitioner. Thereafter, the petitioner applied for electricity service connection before the third respondent.

4. In fact, one P.Yuvaraj filed a writ petition before this Court in W.P.No.1852 of 2020 for removal of encroachment made by the petitioner's husband in Old Survey Nos.649 and 1328, New Town Survey Nos.44 and 25, Ward Nos.C and D, Block Nos.14 and 43 respectively. The Hon'ble Division Bench of this Court, by an order dated 29.01.2020, directed that

(4) Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, either in his representation or in this writ petition, directs the 5th respondent to proceed further in accordance with law to cause removal of the encroachment by the 7th respondent and any other persons, if any, by also adhering to the



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principles of natural justice and take appropriate action and conclude the proceedings within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner, 7th respondent and any other encroachers, if any.”

5. Therefore, already the electricity service connection provided to the petitioner's husband was cancelled and also there was an order, to remove the encroachment, as per the directions issued by the Revenue Authorities. Therefore, the application submitted by the petitioner was rightly rejected by the third respondent and this Court finds no infirmity or illegality in the order passed by the third respondent. Thus, the writ petition is devoid of merits and is liable to be dismissed.

6. Accordingly, this Writ Petition stands dismissed. No costs.

05.04.2024

Internet : Yes
Index : Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
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G.K.ILANTHIRAIYAN, J.

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