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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01.07.2024

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THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.17225 of 2024
& WMP.No.19007 of 2024

Muniraj

... Petitioner

Vs

1.The Chairman/Managing Director,
TANGEDCO, Anna Salai, Chennai – 2.

2.The Chief Engineer (North),
TANGEDCO, Vellore.

3.The Superintending Engineer,
Krishnagiri, Kattaiganapally,
TNHB Phase II, Krishnagiri TK & DT, Pin Code – 635001.

4.The Executive Engineer,
Krishnagiri, Kattiganapally,
HIG – 64, Phase – II, New Housing Board,
Krishnagiri – 635001.

5.The Assistant Executive Engineer (South),
Hosur Royakottai Road, Hosur – 635109.

.... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to recall/cancel the illegal Notices 1.dt:11.03.2024 vide Ka.No.A.E/E&M/SOUTH/TOWN/KO COMPLAINT No./2023-24 dt:09.02.2024 & dt:11.03.2024 vide Ka.No.A.E/E&M/SOUTH/TOWN/KO COMPLAINT No. /2023-24 dt:09.02.2024 and more particularly issued by the Respondent No.5 demanding the petitioner



alone, leaving the other Assignment land owners of the same village, to produce the non-existing Title Deed, Patta, Chitta to the land Assigned under the Land Reforms Act extent Acre 2.90 comprised in Survey No.34/5, 34/6, 34/7, 34/8, 34/9 part & 43/2C situated at No.79, RANGOPANDITA AGRAHARAM Village, Hosur Taluk, the Dharmapuri District now Krishnagiri District and not to disturb or disconnect the Electricity connection No.08-063-004-2969 which is in the name of the petitioner.

For Petitioner : Mr.K.Sathyamurthi

For Respondents : Mr.S.Madhusudanan
Standing Counsel

ORDER

Mr.S.Madhusudanan, learned standing counsel accepts notice for respondent and is armed with sufficient instructions to enable a final disposal of this Writ Petition, even at the stage of admission.

2. The petitioner claims title to various parcels of land as set out in paragraph 3 of the writ affidavit, wherein also he mentions the methodology and modus operandi by which he claims title. Those facts are unnecessary to be adverted to in light of the directions issued in concluding portion of this order.

3. Suffice it to say that the petitioner is enjoying electricity service connection for the properties mentioned in the writ affidavit and while so, the Assistant Commissioner, Land Reforms, Erode is stated to have illegally re-assigned the lands in question to one Lakshamma. The said Lakshamma has, in turn sold the same to third parties.



4. None of the above parties, i.e., Lakshamma, the party to whom the lands were re-assigned as well as the parties, to whom the lands are stated to be sold thereafter, have been arrayed as respondents to the Writ Petition. Hence, this Writ Petition is not maintainable for mis-joinder and non-joinder of proper and necessary parties.

5. That apart, the Writ Petition raises disputes on the title to the lands mentioned in the writ affidavit. Further the petitioner claims to belong to the SC Adi Dravidar community and suffering disability. He alleges that Lakshamma belongs to the upper caste and that the subsequent purchasers are also persons from the upper caste community. According to him, the lands in question have been ear-marked only for Adidraavidar Community.

6. In fact, the petitioner has approached the Additional Subordinate Judge, Hosur in O.S.No.105 of 2022 seeking to declare the re-assignment in favour of Lakshamma as illegal, and to cancel the sale deeds executed by Lakshamma in favour of third parties.

7. In the midst of all this, one Vijayakumar and Kannan, who have also not been arrayed as parties, are stated to have made a false complaint dated 06.03.2024 to the 5th respondent alleging that the electricity service connection procured by the petitioner is illegal and it is based on the strength of forged documents.

8. The 5th respondent has caused enquiry into that complaint and has issued notices to the petitioner for further enquiry. The petitioner does not even challenge the said notices but only seeks a mandamus directing the respondents to recall or



cancel the same. Such a plea cannot be entertained and this Court is of the categorical and unambiguous view that this Writ Petition is wholly misconceived.

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9. There are simply too many reasons why the prayer of the petitioner cannot be considered by this Court under Article 226 of the Constitution of India. There are several facts to be appreciated and necessary parties are not before me to put forth their version of the events. It is hence appropriate that the petitioner responds to the impugned notices and set forth his explanations with supporting documents to the authority, who shall, after hearing him as well as after hearing all other necessary parties, take a view of the matter in accordance with law.

10. Though tempted to mulct the petitioner with costs, for the deficiencies in maintainability set out above, since the petitioner projects himself as a disabled person belonging to the depressed classes, I desist.

11. This Writ Petition and connected Miscellaneous Petition are dismissed.

01.07.2024

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Index : Yes / No

Speaking Order:Yes

Neutral Citation:Yes

To

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<https://www.mhc.tn.gov.in/judis>

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Dr.ANITA SUMANTH,J.

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