



WEB COPY



W.P.No.17676 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2024

CORAM:

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

W.P.No.17676 of 2021

S.Kalaiyarasi

...Petitioner

-Vs-

The Tahsildar,
Cheyyur Taluk,
Chengalpattu District.

...Respondent

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the respondent in Moo. Moo.4651/2019/A1 dated 02.01.2020, quash the same and consequently issue direction directing the respondent herein to issue no objection certificate to the petitioner for effecting electricity connection for the petitioner house at No.1/18, Othavadai Street, Kuchikadu, No.80, Seevadi Village, Cheyyur Taluk, Chengalpattu District.

For Petitioner : Mr.G.Mageshkumar

For Respondent : Mr.S.J.Mohamed Sathik
Government Advocate

ORDER



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This Writ Petition has been filed for the issuance of Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the respondent in Moo. Moo.4651/2019/A1 dated 02.01.2020, quash the same and consequently issue direction directing the respondent herein to issue no objection certificate to the petitioner for effecting electricity connection for the petitioner house at No.1/18, Othavadai Street, Kuchikadu, No.80, Seevadi Village, Cheyyur Taluk, Chengalpattu District.

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

3. The petitioner is in possession and enjoyment of piece of land which is classified as Meikkal Poramboke situated in Survey No.201, No.80, Seevadi Village, Cheyyur Taluk, Chengalpattu District to an extent of 3 cents. The petitioner had put up construction of house and also assessed with the property tax. When the petitioner approached the Electricity Board for obtaining electricity service connection, the petitioner was directed to obtain No Objection Certificate from the



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respondent. Therefore, the petitioner submitted a representation for issuance of No Objection Certificate and the same was rejected by the respondent on 02.01.2020.

4. Admittedly, the land in which the petitioner constructed the house is classified as Meikkal Poramboke. Already, the Hon'ble Division Bench of this Court in ***W.P.No.19286 of 2021*** in the case of ***Raja Vs The Secretary, Revenue Department, Secretariat, Chennai – 9 and others***, held that the Meikkal Poramboke and Madaiveli lands are earmarked for the purpose for those who are grazing cattles. Therefore, whenever it is to be converted, equivalent lands has to be allocated for the said purpose. The provision regarding conversion at times is being misused and therefore, the Hon'ble Supreme Court of India in the case of ***Rameshbhai Virabhai Chaudari v. The State of Gujarat***, (Civil Appeal No.5135 of 2021 dated 06.09.2021), which dealt with unauthorized encroachment on gauchar land, i.e., grazing land, held that the grazing land should be used only for the purpose which it is permitted and no encroachment on such land is permissible.



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5. Therefore, this Court finds no infirmity or illegality in the order passed by the respondent and the writ petition is devoid of merits and is liable to be dismissed. Accordingly, this writ petition stands dismissed.

No costs.

28.06.2024
(2/3)

Internet: Yes
Index : Yes/No
Neutral Citation: Yes/No
Speaking/Non Speaking order
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To

The Tahsildar,
Cheyyur Taluk,
Chengalpattu District.



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G.K.ILANTHIRAIYAN. J.

mn

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