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W.P.No.14697 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.14697 of 2024

T.Velan

...Petitioner

-Vs-

1.The Tahsildar,
Rasipuram Taluk,
Rasipuram, Namakkal District.

2.The Assistant Engineer,
TANGEDCO, Thimmanaikenpatti
Rasipuram Taluk, Namakkal District.

3.The District Revenue Officer,
Namakkal District.

...Respondents

*** R3 suo motu impleaded vide order dated
10.06.2024
made in W.P.No.14697 of 2024 by JSNPJ*

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, directing the first respondent to include the bore-well and FMB sketch in the Survey No.52/2 of Mathurutu Village, Rasipuram Taluk, Namakkal District, in pursuance of the last representation of the petitioner dated 17.02.2024, to



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enable the petitioner to get electricity connection to his agricultural lands which lands are dried for want of water, within a time frame to be fixed by this Court and pass such further orders.

For Petitioner : Mr.K.A.Mariappan

For R1 to R3 : Mr.P.Sathish
Additional Government Pleader

ORDER

Mr.P.Sathish, learned Additional Government Pleader takes notice on behalf of the respondents. With the consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

2. This writ petition is filed for issuance of a Writ of Mandamus, directing the first respondent to include the bore-well and FMB sketch in Survey No.52/2 of Mathurutu Village, Rasipuram Taluk, Namakkal District, in pursuance of the last representation of the petitioner dated 17.02.2024.

3. It is the case of the petitioner that he is carrying on agricultural activities in his Patta land comprised in Survey No.52/2 of Mathurutu Village, Rasipuram Taluka, Namakkal District, got the same by way of a registered partition deed, registered as Document No.1016/2008, SRO,



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Valapadi, Salem District, dated 29.4.2002. Patta No.1579 stands in the name of the petitioner. Due to water scarcity, the petitioner erected borwell in his agricultural lands and applied for grant of free electricity to his agricultural lands for using the same for feeding his agricultural lands. The second respondent orally requested the petitioner to include the borewell in the village accounts of Mathurutu Village.

4. Learned counsel for the petitioner submitted that the petitioner made his representation on 03.12.2020 followed by on 25.02.2022 and finally on 17.02.2024 to the first respondent, but the same has not been considered by the respondents so far. Hence, the present writ petition has been filed.

5. Learned Additional Government Pleader appearing for the respondents submitted that representation of the petitioner has to be given only to the authority concerned, i.e., the District Revenue Officer, Namakkal District, who is the Competent Authority. Hence, it is necessary to implead him as the third respondent in this present writ petition and the third respondent will consider the petitioner's representation on merits and pass orders in accordance with law.



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6. In view of the above submission made by the learned Additional Government Pleader appearing for the respondents, **this Court suo motu impleaded the District Revenue Officer, Namakkal District, as the third respondent in the present writ petition.**

7. Heard both sides and perused the materials available on record.

8. Taking into consideration the factual aspects of the matter, this Court without going into the merits of the case, issues the following directions:

- a) The petitioner is directed to give a representation to the third respondent / The District Revenue Officer, Namakkal District, within a period of two weeks.
- b) On receipt of the same, the third respondent is directed to conduct a detailed enquiry and dispose of the petitioner's representation after giving notice to both parties, affording an opportunity of personal hearing to the petitioner as well as rival claimants/interested parties if any, to take into consideration all the relevant documents submitted by the parties in regard to the subject matter property and pass appropriate orders on merits, in



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accordance with law thereby following the above principles of natural justice within a period of six weeks from the date of receipt of a copy of this order.

In the result, the writ petition stands disposed of with the above observation and direction. No costs.

10.06.2024

cda

Index : Yes/No

Speaking/Non Speaking order

To

- 1.The Tahsildar,
Rasipuram Taluk,
Rasipuram, Namakkal District.
- 2.The Assistant Engineer,
TANGEDCO, Thimmanaikenpatti
Rasipuram Taluk, Namakkal District.
- 3.The District Revenue Officer,
Namakkal District.

J.SATHYA NARAYANA PRASAD, J.

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