



WP.No.1710 of 2021

In the High Court of Judicature at Madras

Dated : 27.8.2024

Coram :

The Honourable Mr.Justice M.DHANDAPANI

Writ Petition No.1710 of 2021

Oil Manufacturers Cooperative
Cottage Industries Society
rep.by its Presient Mr.Dhanabal

...Petitioner

Vs

1.The District Collector, Ariyalur,
Ariyalur District.

2.The Chairman,
Tamil Nadu Electricity Board,
NPKRR Maaligai, 144, Anna Salai,
Chennai-2.

3.The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
110 KV SS Jayankondam Campus,
Kunjithapathapuram,
Udayarpalayam Taluk,
Ariyalur District - 621802.

4.The Assistant/Junior Engineer,
Tamil Nadu Electricity Board,
56, Rajaji Nagar, College Road,
Ariyalur-621713.

...Respondents

PETITION under Article 226 of The Constitution of India praying
for the issuance of a Writ of Certiorarified Mandamus to call for
records pertaining to the impugned rejection order dated 18.3.2019



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on the file of the 4th respondent, quash the same as illegal and consequently direct the respondents 2 to 4 to provide electricity connection in the property of the petitioner at S.No.289/4 to an extent of 2.5 acres in Ariyalur South Village based on the application dated 11.3.2019.

For Petitioner	:	Mr.B.Prasanna Vinoth
For R1	:	Mr.Yokesh Kannadasan, SGP
For R2 to R4	:	Mr.D.Suresh Kumar, Standing Counsel

ORDER

This writ petition has been filed challenging the proceedings dated 18.3.2019, by which, the fourth respondent rejected the application of the petitioner dated 11.3.2019 on account of insufficient documents and to direct the respondents 2 to 4 to consider the said application of the petitioner dated 11.3.2019 to provide electricity connection to the petitioner's property in S.No.289/4 to an extent of 2.5 acres in Ariyalur South Village.

2. Heard the learned counsel for the petitioner, the learned Special Government Pleader appearing for the first respondent and the learned Standing Counsel appearing for respondents 2 to 4.

3. The case of the petitioner is as follows :



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(i) The petitioner society was formed in the year 1968 for the benefit of cottage industries in oil manufacturing. The members were originally manufacturing cold wood pressed oil (maracheckku) as per the old method. The land in S.No.289/4, Ariyalur South Village to an extent of 2.5 acres was purchased by the members of the petitioner society and it was donated for the welfare of the society vide Doc.No. 2000 of 1969 dated 12.8.1969. The petitioner society was functioning till 1978.

(ii) After 1978, on account of introduction of the refined oil, the members of the petitioner society were not able to compete with the mass production of oil by the multinational companies. Hence, the members of the petitioner society started moving towards other kinds of business. Since the recent trend started to change and due to the sudden increase in the demand for cold wood pressed oil amongst the general public, the members of the petitioner society decided to start manufacturing the oil through the traditional technique and pursuant to that, a general body meeting was convened and the petitioner was elected as the President of the society on 17.9.2016.

(iii) That being so, the petitioner society received a notice dated 20.10.2017 from the Tahsildar, Ariyalur seeking consent for change of ownership for the purpose of constructing an additional electricity power station in the subject property. In turn, the



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petitioner society sent a suitable reply. The petitioner also challenged the said notice dated 20.10.2017 by filing W.P.No.25664 of 2018 before this Court and it is still pending.

(iv) Thereafter, the petitioner society sent an application dated 11.3.2019 to the fourth respondent seeking electricity connection for the purpose of manufacturing the cold wood pressed oil. However, their application was rejected by the fourth respondent by the impugned order on the ground of insufficiency of documents. Subsequently, the petitioner society sent a letter dated 26.4.2019 to the fourth respondent seeking clarifications on the required documents, for which, no reply was given for quite some time.

(v) However, under the Right to Information Act, by proceedings dated 03.8.2019, the fourth respondent clarified that the first respondent issued the order dated 12.1.2018 stating that the subject property has been earmarked for the construction of the additional electricity power station and that the subject property was about to be registered on behalf of the Government for that purpose. Thereafter, respondents 2 and 3 encroached the subject property by installing several electric posts. The representation dated 13.8.2019 sent to the third respondent also did not evoke any response. The petitioner society does not have electricity power supply till date. Hence, the petitioner is before this Court.



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4. The third respondent filed a counter affidavit for himself and behalf of respondents 2 and 4 wherein it has been stated as follows :

(i) Hence, the averment contained in the affidavit that the petitioner was selected as the president of the society in the general body meeting held on 17.9.2016 is not sustainable. The respondent Board is aware of the notice sent by the Tahsildar, Ariyalur for transfer of patta. W.P.No. 25664 of 2018 stated to have been filed by the petitioner society was dismissed for non prosecution on 08.1.2024. Since the petitioner society was wound up even in the year 1978, the petitioner has no right to question the action of the fourth respondent. The respondent Board installed the transformer and the electric poles only with due process of law. The petitioner society was started in the year 1959. However, after winding up of the petitioner society in the year 1978, the land was brought under the control of the Khadi and Village Industries Board at Trichy.

(ii) There is a building constructed in the subject property by the Khadi Board. Further, roads have been laid in some portions for the convenient of the public. Due to increase of demands for power supply from the public in that area, the respondent Board planned to install a transformer in the nearby area. The subject property is in S.F.No. 289/4. But, the transformer was laid in S.F.No.289/2. At the



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instance of the respondent Board to establish an electricity sub-station, vide letter dated 26.2.2019, the Principal Secretary of the Khadi Industry, Trichy Khadi Board gave permission to sell the subject land to the respondent Board. At request of the Khadi Board, the District Collector concerned fixed the value of the land vide letter dated 24.9.2021.

(iii) Further, vide letter dated 27.5.2019, the respondent Board gave approval for the sanction of the amount and the cost for registration of the land. All possible steps were taken to transfer the land in favour of the respondent Board. During the interregnum period, the Tahsildar, Ariyalur sent a letter to the petitioner dated 20.10.2017 seeking for transfer of patta. The petitioner society put up a shed in the subject land illegally. The petitioner society applied to the respondent Board seeking for electricity supply. Subsequently, the Additional Director of Khadi Board made a complaint dated 06.9.2019 before the Ariyalur Police Station as against the encroachment made by the petitioner society. Pursuant to the inquiry made, the petitioner made an endorsement that the petitioner or its members would not trespass into the subject land.

(iv) The impugned order has been passed for the reason that the Khadi Board gave permission for the sale of the subject land in favour of the respondent Board. At the instance of the respondent



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Board, the District Registrar, Ariyalur also clarified vide letter dated 15.9.2020 that there was no such society registered as stated by the petitioner.

(v) The petitioner filed O.S.No.166 of 2019 before the Additional District Munsif Court, Ariyalur against the respondents challenging the rejection of their application, to which, the respondents filed their written statement. In the said suit, the petitioner also filed an interlocutory application seeking to implead the Khadi Board, Trichy and the District Collector, Ariyalur and it is still pending. Suppressing the above facts, the present writ petition has been filed with misleading facts. Hence, the writ petition is not maintainable. Ultimately, the respondents 2 to 4 sought for dismissal of this writ petition.

5. Heard the respective learned counsel on both sides and perused the materials available on record and more particularly the impugned order.

6. On perusal of the materials available in the typed set of papers, it came to light that the petitioner made an application dated 11.3.2019 to the fourth respondent seeking for electricity service connection for the property situated in S.No. 289/4, Ariyalur South



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Village to an extent of 2.5 acres and it was rejected by the impugned order. As against the impugned order, the petitioner society filed a suit in O.S.No.166 of 2019 before the Additional District Munsif Court, Ariyalur. In the said civil suit, (i) the Khadi Board, Trichy (ii) the District Collector, Ariyalur (iii) the Commissioner, Ariyalur Municipality and (iv) the Tahsildar, Ariyalur were impleaded as party respondents on 19.6.2024 in I.A.No.7 of 2023. When the civil suit with all the necessary parties is pending, the petitioner has to establish their right and title before the Civil Court. In the considered view of this Court, if at all the petitioner is having any grievance, they can agitate their rights in the pending civil suit. Instead, filing the present writ petition seeking for electricity connection is not sustainable in law.

7. Accordingly, the writ petition is dismissed. No costs.

27.8.2024

Index : Yes (or) No
Neutral Citation : Yes (or) No
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Ariyalur District.
- 2.The Chairman, Tamil Nadu
Electricity Board, NPKRR
Maaligai, 144, Anna Salai,
Chennai-2.
- 3.The Assistant Executive Engineer,
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