



WEB COPY

WP No. 9790 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-11-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

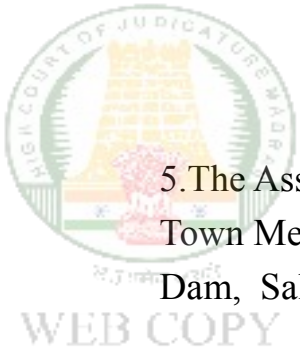
**WP No. 9790 of 2024
& WMP.No.10816 of 2024**

Tmt.Vijayalakshmi
W/o.S.Martin, D.No.22/81-A, Majith
Street, Near Peterman Colony, Mettur
Dam-1, Mettur Taluk, Salem District.

Petitioner(s)

Vs

1. The Commissioner
Mettur Municipality, Mettur Dam,
Salem District.
- 2.The Tahsildar
Mettur Taluk,
Mettur Dam, Salem District.
- 3.The Superintending Engineer
Mettur Electrictiy Distribution Circle,
TANGEDCO, Mettur Dam-1,
Salem District.
- 4.The Executive Engineer (O & M)
TANGEDCO, Mettur Dam,
Salem District-636 401.



5.The Assistant Engineer (O & M)
Town Mettur, TANGEDCO, Mettur
Dam, Salem District.

6.K.Selvakumar
S/o.Krishnan, D.No.91/9,
Near Peterman Colony, Mettur Dam-1,
Mettur Taluk, Salem District.

Respondent(s)

PRAYER

This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, forbearing the respondents 3 to 5 from providing Electricity Service connection to the encroachment made by the 6th respondent in the Mettur Municipality Road in T.S.No.73 situated at Ward-A, Block-59, Mettur Dam, Mettur Taluk, Salem District based on the objection letter dated 11.01.2024 and 13.02.2024 made by the petitioner to the respondents 1 to 5.

For Petitioner(s): Mr.V.Elangovan

For Respondent(s): Mr.A.M.Ayyadurai,
Government Advocate
for R1 and R2.
Mr. I. Syed Sibghatulla
Standing Counsel for RR3 to 5
Mr.R.Subramanian for R6

ORDER

This Writ Petition has been filed seeking for a Writ of Mandamus
forbearing the respondents 3 to 5 from providing Electricity Service connection



to the encroachment made by the 6th respondent in the Mettur Municipality Road in T.S.No.73 situated at Ward-A, Block-59, Mettur Dam, Mettur Taluk, Salem District based on the objection letter dated 11.01.2024 and 13.02.2024 made by the petitioner to the respondents 1 to 5.

2.The case of the petitioner is that the petitioner is the owner of the land in T.S.No.12/24 in Block No15, Majith Street, Mettur Dam-1, Salem District to the extent of 1966 sq.ft. Since the 6th respondent attempted to encroach a portion of the petitioner's property, the petitioner filed a suit in O.S.No.13 of 2012 for permanent injunction restraining the 6th respondent in any way encroaching the portion of petitioner's property. The said suit was decreed ex-party on 13.02.2012. Thereafter, the RDO, Mettur conducted an enquiry with the petitioner and the 6th respondent and directed the 1st respondent herein to remove the encroachment of the 6th respondent as per the decree in O.S.No.13 of 2012. Since the petitioner had not impleaded the Commissioner of Mettur Municipality/first respondent in O.S.No.13 of 2012 as a party, he filed another suit in O.S.No.156 of 2013 for a direction to remove the encroachment made by



the 6th respondent. That suit was decreed by the District Munsif directing the Commissioner, Mettur Municipality to remove the encroachment of 6th respondent. Subsequently, the RDO in proceedings in O.Mu.2956/2023/Vu directed the 1st respondent to remove the encroachment made by the 6th respondent in the petitioner's property. Based on the above said proceedings, the 1st respondent in Na.Ka.No.3252/2013/F1 issued eviction notice u/s 128 of Tamil Nadu Urban and Local Bodies Act to the 6th respondent to remove the encroachment and the said proceedings is still pending without removing the encroachment.

3.While that being so, the 6th respondent has made a request to the respondents 3 to 5 to provide electricity service connection to his unlawful occupation. The petitioner made a written objection with valid reasons to the authorities on 11.01.2024 and 13.02.2024 requesting them not to provide electricity service connection to the 6th respondent's unlawful possession. However, based on the request made by the 6th respondent to the 2nd respondent to issue NOC, the 2nd respondent in proceedings No.O.Mu.342/2024/A4



forwarded the request letter of the 6th respondent to the 1st respondent to take necessary action. But as on date the petitioner's objection has not been considered. Hence, the petitioner has filed the present Writ Petition.

4.The learned counsel for the petitioner would submit that a direction be given to the respondents 1 to 5 not to give electricity connection to the encroachment made by the 6th respondent in the Mettur Municipality Road in T.S.No.73 situated at Ward-A, Block-59, Mettur Dam, Mettur Taluk, Salem District by considering the petitioner's objection letter dated 11.01.2024 and 13.02.2024.

5.Per contra, the learned Standing Counsel for the respondents 3 to 5/TANGEDCO would submit that as on date, no electricity service connection has been issued in favour of the sixth respondent.

6.Heard, the learned counsel for the petitioner and learned counsel for the respondents and perused the materials available on record.



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7. In view of the facts and circumstances of the case, the respondents 3 to 5 are now required to consider the objection letter dated 11.01.2024 and 13.02.2024 of the petitioner and pass appropriate orders, after providing an opportunity of hearing to the petitioner and also the sixth respondent, within a period of four (4) weeks from the date of receipt of a copy of this order.

8. The Writ Petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

06-11-2025

Tsg

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

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