

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2015

CORAM :

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

W.P.No.25640 of 2015
and
M.P.No.1 of 2015

Mr.V.Kumarakrishnan

...Petitioner

vs.

1.Tamilnadu Electricity Board,
Rep.by its Chairman,
No.144, Anna Salai,
Chennai - 600 002.

2.The Assistant Engineer (Operation & Maintenance)
Tamil Nadu Electricity Board,
Thiruvamoor,
Panruti Tk.

...Respondents

Prayer:- Writ petition filed under Article 226 of the constitution of India praying for a writ of certiorarified mandamus calling for the entire records relating to the order of rejection passed by the 2nd respondent in க.எண்.உமபொ/இ & ப/திருவாரூர் / கோ.ஆ.எண்.68/ 2015/16 நாள் 12.08.2015 and returning the application for electricity supply for production of No Objection Certificate from the District Collector and quash the same and direct respondents 1 and 2 to accept, register the application for electricity service connection and extend electricity service connection to the petitioner temple situated in Grama Natham Survey No.305/10, Thiruvamoor Village, within the time as this Hon'ble Court may deem fit.

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For Petitioner : Mr.Venkatakrishnan

For Respondents : Mr.M.Varunkumar

ORDER

The petitioner is the Dharmakartha of the Temple called Arulmighu Karpaga Vinayagar Koil, Thiruvamoor Village & Post, Panruti Taluk, Cuddalore District.

2. The prayer sought for by the petitioner is to quash the order dated 12.08.2015 by which the second respondent rejected the application seeking electricity service connection to the temple stating that the temple is a new temple and is situated in poramboke land and therefore he sought NOC from the concerned authorities.

3. Heard Mr.M.Venkatakrishnan, learned counsel appearing for the petitioner and Mr.M.Varunkumar, learned standing counsel appearing for the respondents.

4. A perusal of the record, especially the 'A' register produced by the respondent itself would reflect the existence of the temple and therefore it is clear that it is not a new temple and it is an old temple only. The property is stated to be a Grama Natham and if it is situated in Grama Natham land, the Government cannot have right over the property. However, clubbing Grama Natham alongwith Poramboke land, the documents have been issued and the poramboke has been mentioned only in brackets wherein it is specifically stated as Grama Natham. Therefore, when the property is a Grama Natham, there is no necessity for the petitioner to obtain NOC from the concerned authorities.

5. In view of the above, the impugned order dated 12.08.2015 in க.எண் ௨ மி பொ. இ & ப. திருவாரூர்/கோ/அ. எண். 68/15-16 is quashed. In the impugned order, it is stated that the application of the petitioner for providing electricity service connection has been returned to him and therefore, the petitioner is directed to re-submit the same by today itself and on such re-submission, the second respondent is directed to provide electricity service connection to the temple today the 19th August, 2015 itself. The second respondent is also present before this Court and he is informed about passing of the order today by 11.30 a.m.

6. The writ petition is disposed of with above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

7. Post the matter for compliance on 20.08.2015.

Rgr

19.08.2015

This matter having been posted on this day for being mentioned in pursuance of the Order of this Court dated 19.08.2015 and made herein in the presence of Mr.M.Venkatakrisnan, Advocate for the Petitioner and of Mr.M.VarunKumar, Advocate for the Respondents, the Court made the following Order:-

By order dated 19.08.2015, this Court disposed of the above writ petition directing the petitioner to re-submit the application for providing electricity service connection, which was returned to the petitioner, forthwith. However, the original application filed by the petitioner along with the writ petition was not returned to the petitioner as there was no direction to that effect in the order dated 19.08.2015. Hence, the matter has been listed, at the instance of the learned counsel for the petitioner, under the caption "For Being Mentioned".

2. After hearing both the parties, it is seen that in paragraph 5 of the order dated 19.08.2105, though the petitioner was directed to re-submit the application for providing electricity service connection, which was returned to him, the direction to the Registry to return the said original application to the petitioner, which was filed along with the writ petition, was not incorporated in the order.

3. Therefore, the Registry is directed to return the original application seeking electricity service connection filed by the petitioner along with the writ petition to the petitioner so as to enable him to re-submit the same before the 2nd respondent, as per order dated 19.08.2015. सत्यमेव जयते

nv

16.10.2015

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

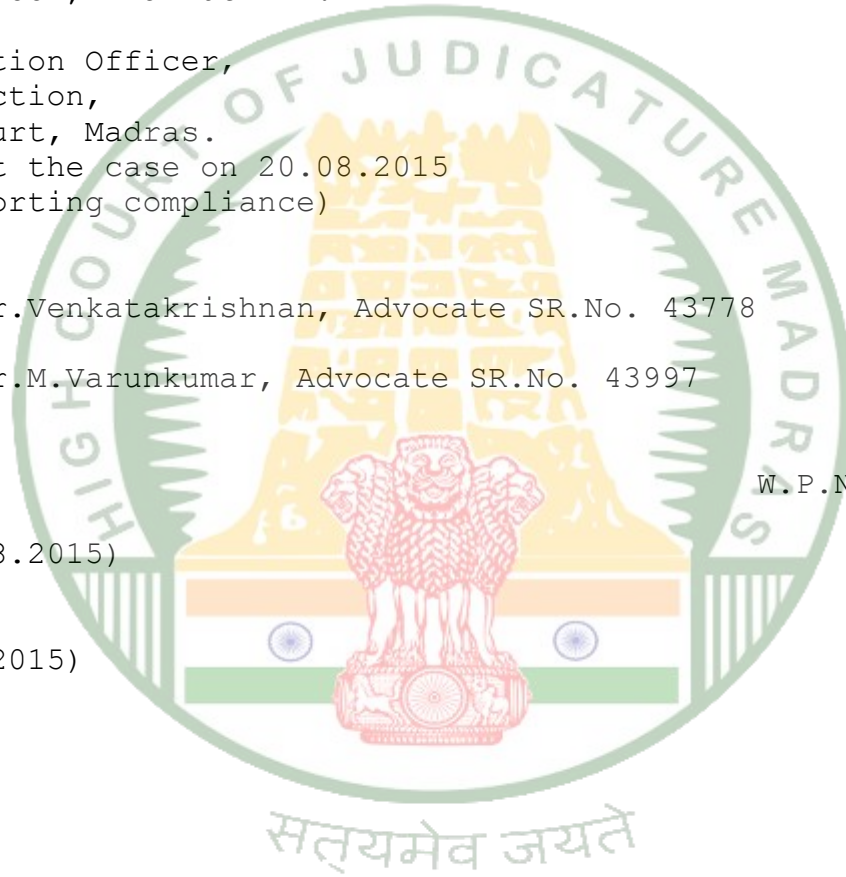
- 1.The Chairman,
Tamilnadu Electricity Board,
No.144, Anna Salai,
Chennai - 600 002.
- 2.The Assistant Engineer
(Operation & Maintenance)
Tamil Nadu Electricity Board,
Thiruvamoor, Panruti Tk.
- 3.The Section Officer,
Writ Section,
High Court, Madras.
(To Post the case on 20.08.2015
for reporting compliance)

- 1 CC to Mr.Venkatakrishnan, Advocate SR.No. 43778
- 1 CC to Mr.M.Varunkumar, Advocate SR.No. 43997

W.P.No.25640 of 2015

VGI (CO)
PSI (19.08.2015)

BVR(CO)
CA(06.11.2015)



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