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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.08.2015

CORAM:

THE HONOURABLE Mr.JUSTICE R.SUBBIAH

W.P.(MD)No.9848 of 2015

and

M.P.(MD)No.1 of 2015

Meganathan

... Petitioner

Vs.

1.The Assistant Engineer (Distribution),
TANGEDCO,
Paramankurichi,
Tuticorin District.

2.The Executive Officer,
Arulmigu Subramaniya Swamy Thirukovil,
Tiruchendur.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the 1st respondent in Lr.No.U.Po/V/Paraman/Ko.Kattu / A.No.68/15 dated 28.05.2015 and quash the same and consequently, directing the 1st respondent to grant electricity supply based on the charges collected on 27.04.2015 to Arulmigu Sudalai Andavar Temple, Nainapathu Village.

For Petitioner : Mr.R.Murali

For Respondents : Mr.A.V.Ramanathan, TNEB for R1
Mr.M.Muthugeethaiyan for R2

ORDER

This Writ petition has been filed to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings in Lr.No.U.Po/V/Paraman/ Ko.Kattu / A.No.68/15 dated 28.05.2015 passed by the 1st respondent, quash the same and consequently, direct the 1st respondent to grant electricity supply based on the charges collected on 27.04.2015 to Arulmigu Sudalai Andavar Temple, Nainapathu Village.

2.It is stated by the petitioner that the Arulmigu Sudalai Andavar Temple, which is situated in Survey No.287/8, is a public temple and there is no electricity supply to the said temple. Even though it is a public temple, none of the Government authorities have taken care of the temple, since the temple does not come under the government properties. In order to get electricity supply, on 27.04.2015, the petitioner made an application to the 1st respondent along with no objection certificate of Thasildar,



Tiruchendur and also paid necessary charges. However, by the proceedings dated 05.05.2015 the 2nd respondent informed the petitioner that the 2nd respondent herein opposed granting electricity supply to the said temple on the ground that the said temple is under the control of the 2nd respondent.

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3.The contention of the petitioner is that for the past several decades, neither the 2nd respondent nor their subordinates visited the said temple and not even made any arrangement for the worshipping deity and if the said temple is under the control of the 2nd respondent, then the 2nd respondent may make arrangements for providing electricity supply. In this regard, the petitioner approached the 1st respondent for providing electricity supply to the said temple, however, by the impugned order dated 28.05.2015, the 2nd respondent has refused to provide electricity supply to the temple. Challenging the impugned order, the petitioner is before this Court with the present Writ petition.

4.Heard the learned counsel appearing for the petitioner, the learned counsel appearing for the 1st respondent / TNEB and the learned counsel appearing for the 2nd respondent.

5.The 2nd respondent has filed a counter affidavit stating that in Village A-register and Adangal, the land in Survey No.287/8 has been shown as Arulmigu Swamy Koil and the land is adjacent to Survey Nos.287/3 and 287/6. The said lands belong to the 2nd respondent / Temple, which is granted for performance of Visaka Kattalai, Mayil Thevar Pooja. The 2nd respondent is the guardian for the above said lands. It is also stated by the 2nd respondent that the land in Survey No.287/8 has been encroached and Arulmigu Sudalai Andavar Temple has been constructed and hence, the 2nd respondent requested the 1st respondent not to provide electricity supply to the said temple. On 02.04.2015, the 2nd respondent made a complaint before the Police against one Alwar Nadar, stating that for getting electricity supply, the said Alwar Nadar has created a forged documents by impersonating the signature of Joint Commissioner / Executive Officer as well as the seal of the 2nd respondent and the said complaint is pending. The 2nd respondent has also sent a proceedings dated 28.04.2015 to the 1st respondent stating that by encroaching upon the land in Survey No.287/8, the above said temple has been constructed and that electricity supply should not be provided. The 2nd respondent also requested the Thasildar to survey the above said lands to ascertain as to whether the disputed temple is in poramboke land or not. The contention of the 2nd respondent is that as the said temple has been constructed by encroaching upon the land in Survey No.278/8 and since the said land belongs to the 2nd respondent / Temple, granting of electricity supply does not arise.

<https://hcservices.ecourts.gov.in/hcservices/>

6.In view of the contention raised by the 2nd respondent, in my considered opinion, when the land belongs to the 2nd



respondent / Temple and the Arulmigu Sudalai Andavar Temple has been constructed by encroaching upon the land of the 2nd respondent / Temple, this Court is not inclined to grant any relief to the petitioner as prayed for.

7. Accordingly, the Writ petition is dismissed. No costs. Consequently, connected M.P. is closed.

sd/-
Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Assistant Engineer (Distribution),
TANGEDCO,
Paramankurichi, Tuticorin District.

2. The Executive Officer,
Arulmigu Subramaniya Swamy Thirukovil,
Tiruchendur.

+ 1 CC TO MR.M.SURESHKUMAR, ADVOCATE IN SR NO. 46288
+ 1 CC TO MR.M.MUTHUGEETHAYAN, ADVOCATE IN SR NO. 45879

NBJ
TE/AN-MP/SAR(J) 05/09/2015 3P/5C

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