

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE:23.03.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.Nos.17947 and 17948 of 2014 &

M.P.Nos.2 & 2 of 2014

and

M.P.No.4 of 2014 in W.P.No.17947 of 2014

T.V.Srinivasan ..Petitioner in both Writ Petitions

-Versus-

- 1.The Junior Engineer,
(O & M)-/Town,
Thiruvathipuram-TANGEDCO,
Thiruvathipuram, Cheyyar-604 407.
- 2.Thiruvothur Kangaianman Temple,
Rep. by its Managing Trustee,
Thiruvothur, Thiruvannamalai District.

(R-2 impleaded as per order dated 31.07.2014
in M.P.Nos.3 and 3 of 2014 in
W.P.Nos.17947 and 17948 of 2014)

- 3.The Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowment,
Nungambakkam, Chennai-34.
- 4.The Deputy Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowment,
Villupuram.
- 5.The Joint Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowment,
Vellore - 4.
- 6.The Assistant Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowment,
Thiruvannamalai.

7.The Inspector,
Tamil Nadu Religious and
Charitable Endowment,
Cheyyar.

..Respondents in both Writ Petitions

(R-3 to R7 are impleaded as per
order dated 17.04.2015 in
M.P.Nos. 1 and 1 of 2015 in
W.P.Nos.17947 and 17948 of 2014)

Prayer in W.P.No.17947 of 2014: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus, to call for the records on the file of the first respondent in Ka.No.E.Ni.Po/E & Pa/Nagaram / T.Puram / Ko: Thani / Va.125/2014-15, dated 18.06.2014 and quash the same and direct the first respondent to restore the electricity supply connection to the service No.N182/5050, situated at Door No.189, Gandhi Road, Cheyyar, Thiruvannamalai District, within a time frame.

Prayer in W.P.No.17948 of 2014: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus, to call for the records on the file of the first respondent in Ka.No.E.Ni.Po/E & Pa/Nagaram / T.Puram / Ko: Thani / Va.125/2014-15, dated 18.06.2014 and quash the same and direct the first respondent to change the Tariff I to Tariff V in respect of the Service Connection No.241/014/20, situated at Door No.190, Gandhi Road, Cheyyar, Thiruvannamalai District, within a time frame.

For Petitioner in
both Writ Petitions : Mr.L.G.Sahadevan

For Respondents in
both Writ Petitions : Mr.M.Varun Kumar
Standing Counsel for R1

Mr.P.Mani for R2

Mr.K.V.Dhanapalan for R3 to R7
for HR & CE

WEB COPY COMMON ORDER

Heard Mr.L.G.Sahadevan, learned counsel appearing for the petitioner, Mr.M.Varun Kumar, learned Standing Counsel, accepting notice on behalf of the first respondent; Mr.P.Mani, learned counsel accepting notice for the second respondent and Mr.K.V.Dhanapalan, learned counsel accepting notice for the respondents 3 to 7, in both the Writ Petitions. With the consent of the learned counsel on either side, the Writ Petitions are taken up for final disposal.

2. The petitioner in both the Writ Petitions, claiming to be a Managing Trustee of Padmavathi Ammal Trust, seeks to quash the impugned proceedings, in and by which, the respondent Electricity Board has informed the petitioner that the property in question is owned by the second respondent-Temple and therefore, he has to obtain necessary records and authorization from the Temple.

3. The second respondent-Temple has taken a stand that in the year 1969, a registered Will was executed on 14.12.1969 by late Padmavathi Ammal, by virtue of which, the Temple has become the absolute owner of the property.

4. The learned counsel for the HR & CE states that the petitioner has absolutely no semblance of right, title or interest over the property in question and pointed that the petitioner's so called Trust itself was formed much later i.e., during 2010 or so, when the Will was executed as early as on 14.12.1969.

5. However, this Court is not going into the disputed question of fact, since this Court cannot declare the title over the property. It is no doubt true, the Electricity supply is the basic amenity, but unless and until, the petitioner proves that he is lawfully entitled to the property in question, as a matter of right cannot demand electricity supply or change of Tariff, as demanded by him in the present proceedings.

6. Therefore, the petitioner has to necessarily adjudicate the question of title, if at all he has one before the appropriate forum and no relief can be granted in this Writ Petition nor the Electricity Board can be directed to change the Tariff or change the Electricity Connection in the name of the petitioner.

The Writ Petitions are dismissed with the above observations. It is made clear that in the event, the petitioner approaches the appropriate forum, the said forum shall decide the matter uninfluenced by any of the observations made in this order. No costs. Consequently, connected miscellaneous petitions are closed.

rpa

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Junior Engineer,
(O & M)-/Town,
Thiruvathipuram-TANGEDCO,
Thiruvathipuram, Cheyyar-604 407.

2.The Commissioner,
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5.The Assistant Commissioner,
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Charitable Endowment,
Thiruvannamalai.

6.The Inspector,
Tamil Nadu Religious and
Charitable Endowment,
Cheyyar.

+ 2 ccs to Mr.L.G.Sahadevan, Advocate Sr 18599

+ 1 cc to Mr.M.Varun Kumar, Advocate Sr 18637

+ 1 cc to M/s.P.Mani, Advocate Sr 18739

KR/1/4/16

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M.P.Nos.2 & 2 of 2014

and

M.P.No.4 of 2014 in W.P.No.17947/2014