

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2017

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.6974 of 2017

P.C.Manickam

... Petitioner

Vs.

1.The Assistant Electrical Engineer,
Tamil Nadu Electricity Board,
Nallur - 641 606.
Tirupur, Tirupur District.

2.The Executive Officer,
Arulmighu Vishweswara Swamy Temple
Eswaran Kovil, Eswaran Kovil Street.
Tirupur, Tirupur District. Respondents

Prayer:- Writ petition is filed under Article 226 of the Constitution of India praying to issue writ of Certiorarified Mandamus to call for the records of the 1st respondent relating to order dated 22.06.2016 passed in Ka.No.Assistant Electrical Engineer/Nallur,/Tirupur/Dvn.Indl./ Ka.No.041 and quash the same and consequently direct the 1st respondent to give Electricity service connection to the house in S.F.No.182, Site No.5, Jai Nagar 4th Street, Nallur, Tirupur -641 606, Tirupur District on receipt of the application for the service connection from the petitioner.

For Petitioner : Mr.R.Sreerangan

For Respondents : Mr.S.K.Rameshwar (For R1)
Mr.M.Maharaja
Special Government Pleader (For R2)

ORDER

Heard Mr.R.Sreerangan, learned counsel appearing for the petitioner, Mr.S.K.Rameshwar, learned counsel appearing for the first respondent and Mr.M.Maharaja, learned Special Government Pleader appearing for the second respondent.

2.By the impugned order, the petitioner's request for grant of service connection was declined on the premise that No Objection Certificate from the second respondent has not been enclosed.

3.Learned counsel appearing for the petitioner would contend that the property belongs to him absolutely while the learned Special Government Pleader appearing for the second respondent would contend that it belongs to the second respondent.

4.For the present, we are not concerned with the inter se dispute, qua the title. What the petitioner seeks is service connection? Admittedly, he is in possession and enjoyment of the property. Perhaps this is the matter which can be adjudicated by the concerned authority under Section 78 of the Hindu Religious and Charitable Endowment Act, 1959 (H.R. & C.E. Act)

5.Learned counsel appearing for the second respondent would submit that appropriate action is being contemplated under Section 78 of the H.R.& C.E. Act.

6.In such view of the matter, this Court is inclined to set aside the impugned order with a further direction to the first respondent to effect service connection as sought for, subject to other compliance. It is made clear that service connection to be given would be subject to the proceedings to be concluded under Section 78 of the H.R.& C.E. Act. Therefore, in the event of such proceedings being concluded, the service connection would automatically transferred in the name of the second respondent. It is clarified that the petitioner will have to pay all the charges and he cannot claim any equities based on the service connection.

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

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

cse/nmm

To

1.The Assistant Electrical Engineer,
Tamil Nadu Electricity Board,
Nallur - 641 606.
Tirupur, Tirupur District.

2.The Executive Officer,
Arulmighu Vishweswara Swamy Temple
Eswaran Kovil, Eswaran Kovil Street.
Tirupur, Tirupur District.

+1cc to the Government Pleader Sr.22684
+1cc to Mr.Sreerangan, Advocate Sr.22520

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srg 19/04/2017



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