

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 20.07.2017

CORAM

THE HON'BLE MR. JUSTICE M.DURAISWAMY

W.P.No.18347 of 2017 &
W.M.P.No. cdddddsa20001 of 2017

C.Ramasamy

... Petitioner

v.

- 1 The Chairman
Tamil Nadu Electricity Board
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd
Anna Salai, Chennai-600 002
 - 2 The Assistant Electrical Engineer (O&M)
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd
Tamil Nadu Electricity Board
Tiruppur Electricity Distribution Circle
Nallur-641606 Tiruppur District
 - 3 The Executive officer
Arulmigu Visveswara Swamy Temple
Nallur, Tiruppur
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the 2nd respondent to give electricity service connection to the petitioner's house situated in House Site No.119 in S.No.165, Nallur Village, Tiruppur Taluk & District.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.S.K.Rameshwar
Standing Counsel - for R1 & R2

Mr.M.Maharaja
Special Government Pleader - for R3

O R D E R

Mr.S.K.Rameshwar , learned Standing Counsel, takes notice for the respondents 1 and 2 and Mr.M.Maharaja, learned Special Government Pleader, takes notice for the 3rd respondent. By consent, the main writ petition itself is taken up for disposal at the admission stage itself.

2. The petitioner has filed the above writ petition to issue a Writ of Mandamus, directing the 2nd respondent to give electricity service connection to the petitioner's house situated in House Site No.119 in S.No.165, Nallur Village, Tiruppur Taluk & District.

3. The petitioner's service connection was rejected by the respondents 1 and 2 on the sole premise that there was an objection from the 3rd respondent, viz., the Executive officer, Arulmigu Visveswara Swamy Temple, Nallur, Tiruppur, claiming title over the property.

4. As rightly submitted by the learned counsel for the petitioner, claiming title is one thing and considering the service connection is another. Merely because the service connection is provided on the disputed land, the same will not confer any title or right over the property.

5. In such view of the matter, a direction is issued to the 2nd respondent Electricity Board to effect service connection on the application made by the petitioner, within a period of eight weeks, from the date of receipt of a copy of this order, as per law. It is made clear that this order is passed without prejudice to the contentions of the petitioner as well as the temple with respect to the title. In the event of the petitioner losing his title, the petitioner cannot claim any equity.

With these observations, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Rj

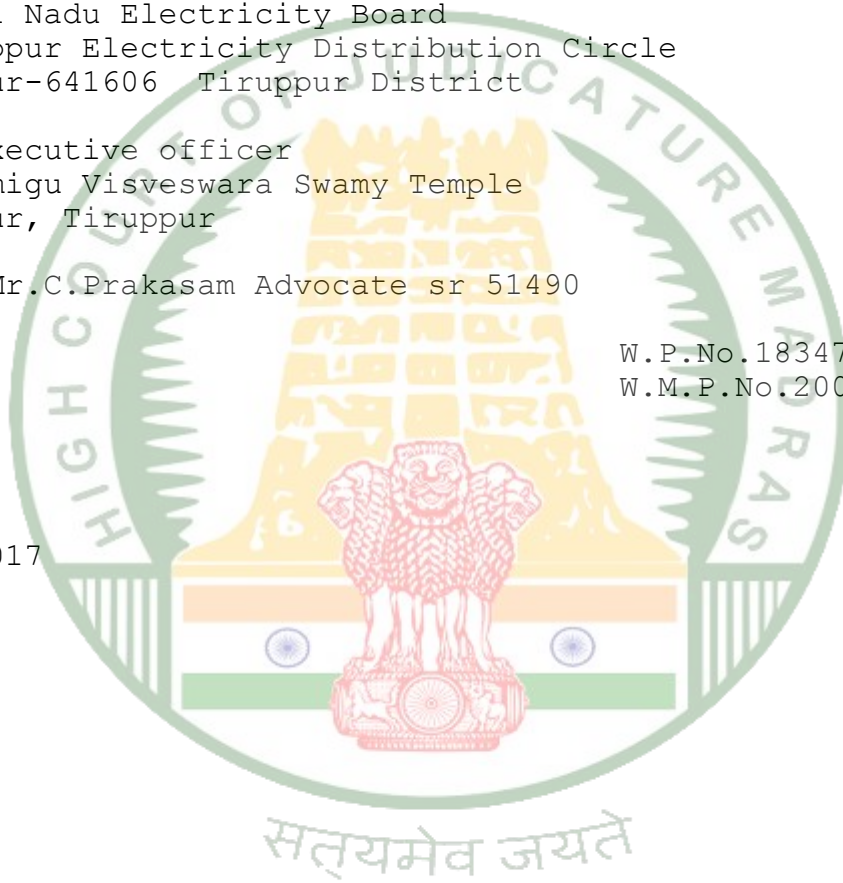
To

- 1 The Chairman
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Anna Salai, Chennai-600 002
- 2 The Assistant Electrical Engineer (O&M)
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Nallur, Tiruppur

+1 cc to Mr.C.Prakasam Advocate sr 51490

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