

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2017

CORAM

THE HON'BLE MR. JUSTICE M.DURAISWAMY

W.P.No.19202 of 2017 and
WMP No.20734 of 2017

P.Sadayappan

... Petitioner

vs.

1.The Chairman,
Tamil Nadu Electricity Board,
Tamil Nadu Generation and Electricity Distribution
Corporation Ltd.,
Anna Salai, Chennai -2.

2.The Assistant Electrical Engineer (O & M)
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Tamil Nadu Electricity Board,
Tiruppur Electricity Distribution Circle,
Nallur - 641 606, Tiruppur District.

3.The Executive Officer,
Arulmigu Visveswara Swamy Temple,
Nallur, Tiruppur.

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus, directing the second respondent to give electricity service connection to the petitioner's house situated in House Site No.111 in S.No.165, Nallur Village, Tiruppur Taluk and District.

For Petitioner : Mr.C.Prakasam

For Respondents: Mr.S.K.Rameshwar,
Standing Counsel for R1 and R2
Mr.M.Maharaja,
Spl.Govt.Pleader (HR & CE) for R3

O R D E R

The petitioner has filed the above writ petition, to issue a Writ of Mandamus, directing the second respondent to give electricity service connection to the petitioner's house situated in House Site No.111 in Survey No.165, Nallur Village, Tiruppur Taluk and District.

2. Admittedly, the property belongs to the third respondent/ Temple. Therefore, the second respondent called upon the petitioner to get No Objection Certificate from the third respondent/Temple for obtaining Electricity Connection. The petitioner's application was rejected by the respondent Electricity Board on the sole premise that there was an objection from the third respondent claiming title. Merely because, service connection is provided to a disputed land, the same will not give any title or right over the property. The Service Connection shall not confer any title on the petitioner.

3. Mr.M.Maharaja, learned Special Government Pleader, appearing for the third respondent submitted that the second respondent may be directed to give service connection in the name of the third respondent Temple for the reason that the petitioner is defaulting in paying the consumption charges to respondents 1 and 2 and in such an event, the respondents 1 and 2 are claiming the consumption charges from the Temple.

4. In view of the submissions made by the learned counsel on either side, I direct the second respondent to provide Electricity Service Connection to the petitioner on the basis of the representation, dated 20.05.2017, within a period of two weeks from the date of receipt of a copy of this order. It is made clear that the order has been passed without prejudice to the contentions of the petitioner as well as the third respondent/Temple with respect to the title. In the event of the petitioner losing the title, he cannot claim any equity. In the event of the petitioner committing default in paying the electricity consumption charges, it is open to the respondents 1 and 2 to disconnect the service connection.

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

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

svki

To

1.The Chairman,
Tamil Nadu Electricity Board,
Tamil Nadu Generation and Electricity Distribution
Corporation Ltd.,
Anna Salai, Chennai -2.

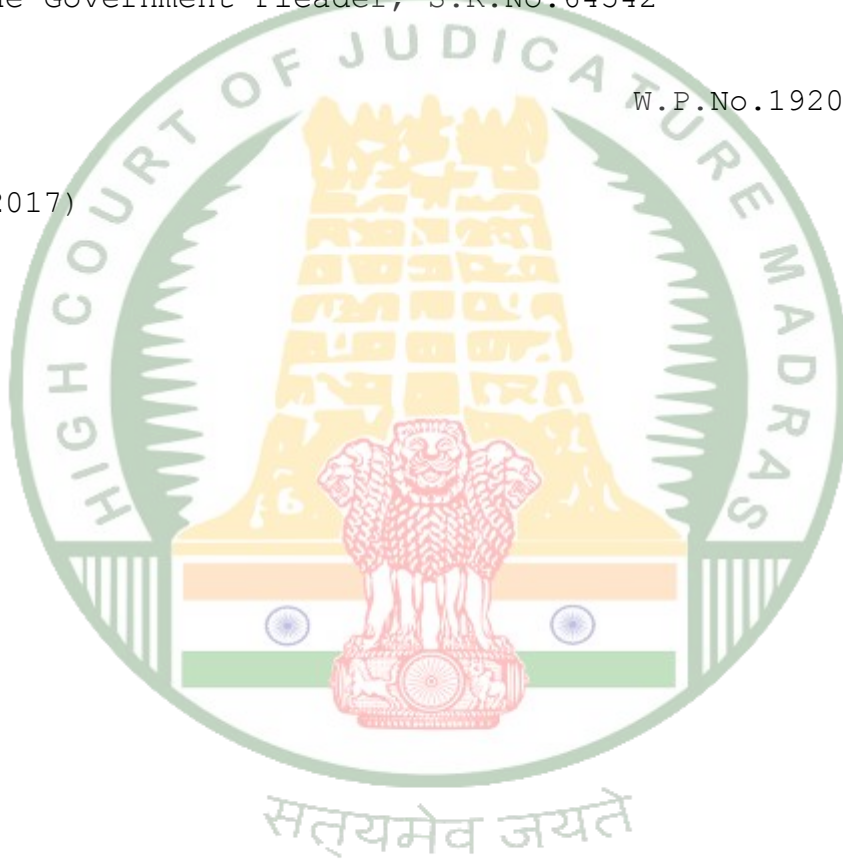
2.The Assistant Electrical Engineer (O & M)
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Tamil Nadu Electricity Board,
Tiruppur Electricity Distribution Circle,
Nallur - 641 606, Tiruppur District.

3.The Executive Officer,
Arulmigu Visveswara Swamy Temple,
Nallur,Tiruppur.

+lcc to Mr.C.Prakasam, Advocate, S.R.No.64171
+lcc to the Government Pleader, S.R.No.64542

W.P.No.19202 of 2017

SV(CO)
GN(07/09/2017)



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