

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2017

CORAM :

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

WRIT PETITION No.29446 Of 2016

R.Santhi

... Petitioner
Vs.

1. The Assistant Electrical Engineer,
Tiruppur Electricity Distribution Circle,
Tamilnadu Electricity Board,
Nallur, Tiruppur.
2. The Executive Officer,
Arulmigu Vishweawara Swamy Temple,
Easwarankoil Street, Tiruppur. ... Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the first Respondent relating to the order passed dated 16.07.2016 passed in Ka.No. Assistant Electrical Engineer/Nallur/Tiruppur/Div.Indl/Ka.No.67 and quash the same and consequently direct the first respondent to provide electricity service connection to the house of the petitioner bearing Door No.29, Kanchi Nagar 3rd Street, Maniyakarapalayam Road, Nallur, Tiruppur in pursuance to the application dated 14.07.2016 submitted to the first respondent.

For Petitioner : Mr.S.Panneer Selvam

For Respondents : Mr.S.K.Rameshwar-for R1
Mr.M.Maharaja,
Special Government Pleader
(HR & CE)-for R2

O R D E R

The petitioner, who is a tenant of the second respondent made a request for service connection. The said request was rejected in the impugned order by the respondent No.1 on the premise that the respondent No.2 is objecting, and thus, declined to issue 'No objection Certificate'.

2.The learned counsel appearing for the second respondent, would submit that the petitioner being the tenant, is not paying the rent. Under those circumstances, proceedings have been initiated under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowment Act, 1959, for eviction.

3.The said submission can not be a ground to deny service connection to the petitioner. Initiating the proceedings for eviction is one thing and declining service connection is another. Admittedly, the petitioner is in possession of the premises, over which, he seeks service connection.

4.By granting service connection, the proceedings initiated will not get affected, nor its status. In such view of the matter, the order impugned is set aside. The first respondent has to effect service connection to the premises, in which the petitioner is residing, within a period of four(4) weeks from the date of receipt of a copy of this order. Such service connection has to be effected in the name of the second respondent.

6.Effecting of the service connection shall not have any bearing on the pending proceedings, initiated under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowment Act, 1959.

7.This writ petition stands allowed, accordingly. No costs. The question as to whether the petitioner is a tenant or not, is also left open to be decided in the pending proceedings.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

To

1. The Chairman,
Tamil Nadu Electricity Board,
Tamil Nadu Generation and Electricity,
Distribution Corporation Limited,
Anna Salai, Chennai - 600 002.
2. The Assistant Electrical Engineer, (O&M),
Tamil Nadu Generation and Electricity,
Distribution Corporation Limited, TNEB.,
Tiruppur Electricity Distribution Circle,
Nallur, Tiruppur-641606.

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

+1 cc to Mr.S.Panneer selvam,advocate,sr.17716

+1 cc to Govt.Pleader,sr.18725

+1 cc to Mr.S.K.Rameshuwar,advocate,sr.18592.

sks (co)
krd 28/3

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