

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH.

W.P.Nos.36201 to 36203 of 2016

and 32491 to 32496 of 2016

and

W.M.P.Nos.31139 to 31141 of 2016

- 1.C.Balamani ...Petitioner in W.P.No.36201/16
2.S.Rathinambal ..Petitioner in W.P.No.36202/16
3.J.Arivumalar ..Petitioner in W.P.No.36203/16
4.S.Thirumalaisamy ..Petitioner in W.P.No.32491/16
5.S.Balamurugan ..Petitioner in W.P.No.32492/16
6.Maheswari ..Petitioner in W.P.No.32493/16
7.G.Balusamy ..Petitioner in W.P.No.32494/16
8.N.Geetha ..Petitioner in W.P.No.32495/16
9.V.Kavitha ..Petitioner in W.P.No.32496/16

versus

1. The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited, (TANGEDCO)
Nallur - 641 606, Tirupur District.
2. The Assistant Electrical Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited, (TANGEDCO)
Nallur - 641 606, Tirupur District.
3. The Executive Officer,
Arulmigu Visweswaraswamy Temple,
Easwarancoil Street,
Tirupur District.
- ... Respondents in W.P.No.36201
to 36203/16

1.The Assistant Electrical Engineer,
TamilNadu Electricity Board,
Nallur-641606,Tiruppur,Tiruppur District.

2.The Executive Officer,
Arulmighu Vishweswaraswamy Temple,
Eswaran Kovil,Easwaran Kovil Stree,Tiruppur,
Tiruppur District ..R1 & R2 in All WP's 32491 to
32496/16

Common PRAYER in W.P.No.36201 of 2016 to 36203/16:

Writ petition filed under Article 226 of Constitution of
India to issue a Writ of Certiorarified Mandamus or any other
appropriate writ or order in the nature of a Writ of
Certiorarified Mandamus to call for the records of the 2nd

respondent relating to order dated 22.06.2016 passed in Ka.Sa.No.AssistantElectrical Engineer/Nallur/Tirupur/Dvn.Indl/Ka.No.43 and quash the same and consequently direct the 2nd respondent to give Electricity Service Connection to the house in S.F.No.165, site No.19, Nallur Village, Nallur Sub Division, Tirupur South Registration District, Tirupur District on receipt of the application for electricity service connection from the petitioner.

Common Prayer in W.P.No.32491 to 32496/16:

To call for the records of the 1st respondent relating to order dated 16.08.2016 5/8/16 & 2/12/2016 respectively passed in Ka. No. Assistant Electrical Engineer / Nallur/ Tiruppur / Dvn. Indl./ Ka. No.89,86,88,91,90 & 108 respectively and quash the same and consequently direct the 1st respondent to give Electricity Service connection to the house in S.F. No.165 Site No.4 V.G.V. Main Road Pon Nagar 5th street Nallur Tirupur- 641 606, S.F.No.165, Suit No.121, Pon Nagar, 5th street, VGV, Main Road, Nallur, Tirupur Dist. S.F.No.182, Site No.5, Raja Jai Nagar, 8th St. Nallur, Tiruppur, Tiruppur District., S.F.No.189, site No.1, RVE Nagar, 8th Street, Nallur, Tiruppur, Tiruppur District, S.F.No.182, Site No.9A, Jai Nagar, East Nallur, Tiruppur, Tiruppur District, & in S.F.No.165, site No.74, pon nagar, 5th Street, V.G.V. Main Road, Nallur, Tiruppur, Tiruppur District, on receipt of the application for electricity service connection from the petitioner.

For Petitioner : Mr.V.Pavel
in W.P.Nos.36201 to 36203 of
2016
Mr.R.Sreerangan
in W.P.Nos.32491 to 32496 of
2016

For Respondents : Mr.S.K.Rameshwar for R1 and R2
in W.P.Nos.36201 to 36203 of
2016
for R1 in W.P.Nos.32491 to 32496
of 2016
Ms.G.Sumitra for R3 in
W.P.Nos.36201 to 36203 of 2016
R2 in W.P.Nos.32491 to 32496
of 2016

COMMON ORDER

The petitioners' service connections were rejected by the respondent Electricity Board on the sole premise that there was an objection from the other respondents namely the Executive Officer of the Arulmighu Visweswaraswamy Temple, claiming title.

2. As rightly submitted by the learned counsel of the petitioners, claiming title is one thing and considering the service connection is another. Merely because the service connection is provided on a disputed land, the same will not give any title nor any bearing.

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

4. The writ petitions are disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst. Registrar (CS CO)

/true copy/

Sub Asst. Registrar

mmi/rna

To

1. The Chairman,
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Corporation Limited, (TANGEDCO)
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2. The Assistant Electrical Engineer,
Tamil Nadu Generation and Distribution
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Easwarankoil Street,
Tirupur District.
4. The Assistant Electrical Engineer,
TamilNadu Electricity Board,
Nallur-641606, Tiruppur, Tiruppur District.

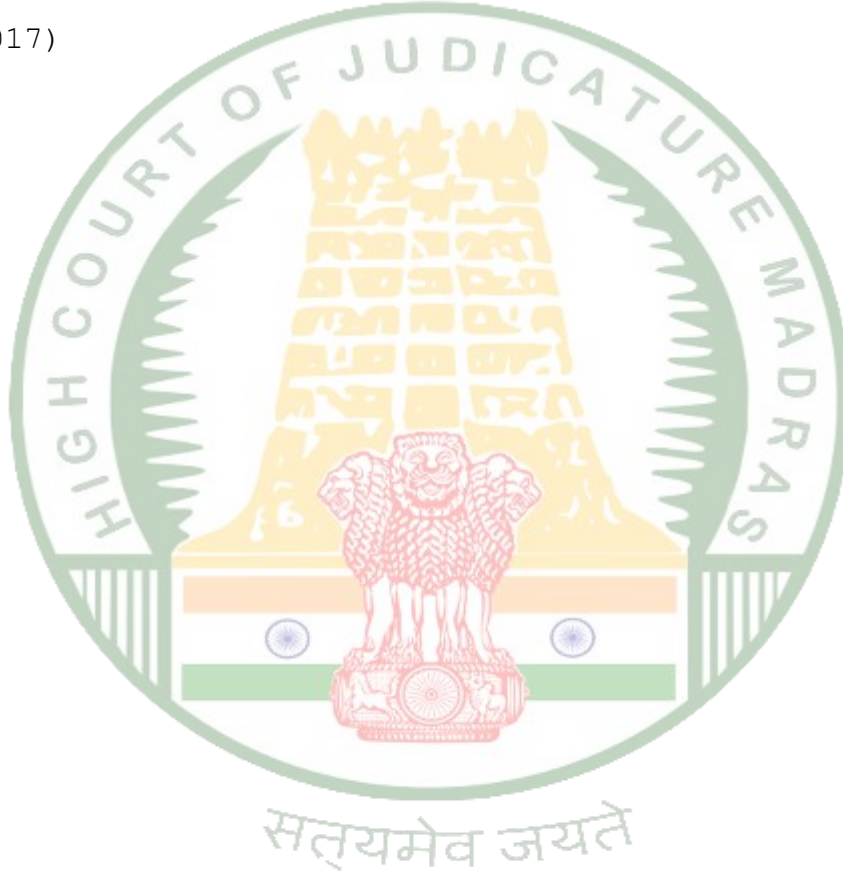
+3cc to Mr.V.Pavel,Advocate sr.15760

+1cc to Mr.S.K.Rameshwar,Advocate sr.16197

+6cc to Mr.R.Sreerangam,Advocate
sr.16003,16004,16005,16006,16007,16008)

W.P.Nos.36201 to 36203
and 32491 to 32496 of 2016

sv1 (co)
ss (27/3/2017)



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