



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : **16.08.2017**

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

WEB COPY

W.P (MD) No.14020 of 2017

and

W.M.P (MD) Nos.10961 to 10963 of 2017

Peermohamed,
President,
Jamiyyathu Ahlil Quran Val Hadhees,
Kanyakumari Unit, Thowheed Markaz,
Jamiyya Nagar, Kulasekaram,
Kanyakumari District.

.. Petitioner

Vs.

1.The Executive Officer,
Kulasekaram Selection Grade Panchayat,
Kulasekaram, Kanyakumari District.

2.The Junior Engineer,
Distribution/Urban TNEB,
TANGEDCO,
Kulasekaram, Kanyakumari District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for records relating to the impugned proceedings of the first respondent in Na.Ka.No.A1-480/2016 dated 16.12.2016 and quash the same as illegal and consequently to direct the second respondent to grant electricity connection to the petitioner premises, which is situate in S.No.424/5A, Kulasekaram-B Village, Kanyakumari District.

For Petitioner : Mr.M.Mahaboob Athiff
for M/s.Ajmal Associates.

For Respondent No.1 : Mr.M.Rajarajan
For Respondent No.2 : Mr.AU.Ramanathan

ORDER

This writ petition has been filed seeking a Writ of Certiorarified Mandamus to quash the impugned proceedings of the first respondent in Na.Ka.No.A1-480/2016 dated 16.12.2016 and direct the second respondent to grant electricity connection to the petitioner premises, which situates in Survey No.424/5A, Kulasekaram-B Village, Kanyakumari District.



2. The case of the petitioner is that the petitioner is the President of Jamiyyathu Ahlil Quran Val Hadhees, which is a society registered under the Societies Registration Act. The petitioner society purchased a property, to an extent of 549.06 square metres, situated in Survey No.424/5A, Kulasekaram-B Village, Kanyakumari District, for which, the petitioner applied for building permission and the first respondent also accorded the same, vide building permission No.110/2016-17, dated 22.11.2016. While so, the first respondent suspended the same, by way of passing the impugned order, dated 16.12.2016, wherein it is stated that the President of Kulasekaram Jamath had lodged a complaint alleging that certain irregularities have been made on the basis of the building permission. Thereafter, the petitioner applied for electricity connection to the second respondent and the second respondent informed him that the same cannot be considered, as the first respondent had cancelled the building permission. The grievance of the petitioner is that the first respondent without issuing any notice and without affording any opportunity of hearing to the petitioner, passed the impugned order. Therefore, the petitioner has come up before this Court with the aforesaid prayer.

3. Today, when the matter is taken up for hearing, the learned counsel appearing for the first respondent fairly submits that the first respondent now proposes to conduct an enquiry on 05.09.2017 and on which date, the first respondent is expecting the presence of the petitioner as well as the other interested parties and therefore the matter may be remitted back to the first respondent for fresh consideration.

4. Under such circumstances, the impugned proceedings passed by the first respondent in Na.Ka.No.A1-480/2016, dated 16.12.2016 is set aside and the matter is remitted back to the first respondent and the first respondent is directed to issue necessary notice to the petitioner as well as any of the interested parties and conduct an enquiry on 05.09.2017 and pass appropriate orders on merits and in accordance with law, after affording due opportunity of hearing to the petitioner as well as any of the interested parties, within a period of one week thereafter.

5. The writ petition is disposed of as above. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar



To

+1cc to M/S.AJMAL ASSOCIATES, Advocate SR.No.72503

+1cc to M/S.M.RAJARAJAN, Advocate SR.No.72812

SMN

MAS/KK/SAR4:30.08.2017:3P-3C

ORDER MADE IN
W.P (MD) No.14020 of 2017
and
W.M.P (MD) Nos.10961 to 10963 of 2017
16.08.2017