



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P (MD) .No.6329 of 2017

T.J.Savithri

... Petitioner

Vs.

1.The Assistant Engineer,
Operation and Maintenance,
TANGEDCO.,
Pattiswaram,
Thanjavur District

2.The Executive Officer,
Shakthi Vaneswarar Temple,
Pattiswaram,
Thanjavur District.

3.The Commissioner,
Hindu Religious and Charitable Endowment,
Uthamar GandhiSalai,
Nungambakkam,
Chennai.

... Respondents

Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 2 and 3 to give no objection certificate to the petitioner for obtaining electricity connection and consequently direct the 1st respondent to provide electricity connection to the petitioner for her premises situate in plot No.4, Krishnanagar, Cholanmaligai Panchayat Union, Kumbakonam.

For Petitioner : Mr.P.Thiagarajan

For 1st Respondent : Mrs.S.Srimathy

For 2nd Respondent : Mr.V.Chandrasekar

For 3rd Respondent : Mr.S.Kumar

Additional Government Pleader.

**ORDER**

The prayer made in the writ petition reads as follows:-

"This writ petition has been filed for the issuance of writ of mandamus to direct to the respondents 2 and 3 to give no objection certificate to the petitioner for obtaining electricity connection and consequently direct the 1st respondent to provide electricity connection to the petitioner for her premises situate in plot No.4, Krishnanagar, Cholanmaligai Panchayat Union, Kumbakonam.

2. Admittedly, litigations are pending regarding the ownership of the property in question. Being *pendente lite* purchaser, the petitioner cannot seek mandamus to the temple authorities, namely, the respondents 2 and 3 to issue no objection certificate.

3. When the similar question arose before this Court in W.P(MD)No.18943 of 2015, the following order has been passed:-

"As rightly pointed out, as a pendente lite purchaser, she cannot claim any right. If the temple is the co-owner or full owner of the property, she could get no objection certificate from them. The petitioner is only a subsequent purchaser and taking into account objection, the authority concerned shall pass appropriate orders on merits and in accordance with law."

4. The above said order came to be confirmed by the Division Bench of this Court in W.A(MD)No.815 of 2016 by judgment dated 01.07.2016.

5. In view of the above, it is open to the temple namely, the second respondent to file objections to the application of the petitioner seeking electricity connection and on receipt of such objection, the first respondent shall pass appropriate orders on merits and in accordance with law.

6. With the above observation, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-III)

/True copy/

Sub Assistant Registrar



To

1.The Assistant Engineer,
Operation and Maintenance,
TANGEDCO.,
Pattiswaram,
Thanjavur District

2.The Executive Officer,
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Pattiswaram,
Thanjavur District.

3.The Commissioner,
Hindu Religious and Charitable Endowment,
Uthamar GandhiSalai,
Nungambakkam,
Chennai.

+1 cc to Mr.P.Thiagarajan , Advocate in SR.No. 53887

+1 cc to Mr.V.Chandrasekar , Advocate in SR.No. 54087

rmi/vsg

AE/MMS/SAR1/09.06.2017/3P/6C

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