



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.03.2017

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THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P (MD) No.20639 of 2013

and

M.P (MD) No.1 of 2013

Gurusamy (58),  
S/o.Krishnan Chettiar,  
President,  
Aarachipatti Vaniga vaisiyar Uravinmurai,  
88A/7, Aarachipatti Soundiamman Kovil Street,  
Srivilliputhur,  
Virudhunagar District.

.. Petitioner

Vs.

1.The Junior Engineer, Grade.I.  
Town/West Tamilnadu Electricity Generation and \  
Distribution Board,  
Srivilliputhur,  
Virudhunagar District.

2.Mrs.TamilSelvi,  
Trustee,  
Arulmigu ThrowpathaiammanKovil,  
Araichipatti,  
Srivilliputhur,  
Virudunagar District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Certiorarified Mandamus to call for the record of the 1<sup>st</sup> respondent's impugned order dated 07.06.2013 and quash the same as illegal and arbitrary and further direct him to grant new electricity connection based on the petitioner's application dated 18.05.2013 for L.T. Service connection, within the time limit that may be stipulated by this Court.

For Petitioner

: Mr.S.Manickam

For Respondents

: Mr.G.Kasinathadurai

(for R1)

Mr.N.Madava Govindan (for R2)



## O R D E R

The petitioner challenges an order, by which, his request for grant of electricity service connection to the new houses constructed by the petitioner in the land belonging to the temple, of which the second respondent is the trustee, was rejected.

2.The petitioner claims that the land in question has been leased out to the petitioner by the then trustee of the temple on 28.03.2000 for a period of thirty years. It is not averred that the said lease was approved by the Commissioner, H.R & C.E., Department, as required under Section 34 of the Tamil Nadu H.R & C.E., Act. Section 34 of the said Act declares any alienation of property by way of lease beyond a period of five years without permission of the Commissioner, H.R & C.E., Department is null and void. Therefore, the petitioner has no legal right to the occupation of the land in question. Further, the petitioner is an unregistered society and the list of members of the petitioner society has not been produced. Therefore, the petitioner has no right to maintain the writ petition under Article 226 of the Constitution of India.

3.Hence, the writ petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(co)

/True copy/

Sub Assistant Registrar

To

The Junior Engineer, Grade.I.

Town/West Tamilnadu Electricity Generation and \

Distribution Board,

Srivilliputhur,

Virudhunagar District.

+1cc to Mr.S.Manickam, Advocate SR.no.13906

+1cc to Mr.G.KasinathaDurai, Advocate Sr.No.14229

+1cc to M/S.N.MADHAVAGOVINDAN, ADVOCATE SR.No. 14122

skn

sm:RR:20/03/2017:2P/5C

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