

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.29149 of 2016

Mr.G.Dayalan

..Petitioner

-vs-

1. The Chairman

Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO)
Anna Salai
Chennai 600 002

2. The Assistant Engineer

O & M/Mahalingapuram
TANGEDCo, West
Nungambakkam
Chennai 600 034

3. The Managing Trustee

Chokkavel Subramania Swamy Temple
Choolai, Chennai 600 012
(R3 impleaded as per order dated 20.3.18
in WMP No.34783 of 2017 in
WP No.29149 of 2016)

... Respondents

Petition under Article 226 of the Constitution of India,
praying for the issue of a Writ of Mandamus, directing the
second respondent to consider the petitioner's representation
dated 17.06.2016 and the second respondent to take action based
on that on merits for power supply to the petitioner's hair
cutting saloon at Door No.11-A, Jayalakshmipuram Main Road,
Nungambakkam, Chennai 600 034.

For Petitioner

:: Mr.R.Kannan

For Respondents

:: Mr.P.R.Dhilipkumar

Standing Counsel for R1 & 2

No appearance for R3

ORDER

This writ petition has been filed seeking a mandamus
directing the Assistant Engineer, Operation and Maintenance,
Mahalingapuram, TANGEDCO West, Nungambakkam, Chennai, the second
respondent herein to consider the petitioner's representation
dated 17.6.2016 and to give power supply to the petitioner's
hair cutting saloon at Door No.11-A, Jayalakshmipuram Main Road,

Nungambakkam, Chennai.

2. Learned counsel for the petitioner submits that the petitioner is running a hair cutting saloon (barber shop) at Door No.11-A, Jayalakshmipuram Main Road, Nungambakkam, Chennai to an extent of 120 sq.ft., from 1985, as his father was running the saloon from 1970, without any let or hindrance. Although the land belongs to Arulmighu Sockavel Subramania Swamy Tirukoil, Choolai, the superstructure has been put up by the petitioner. Before getting no objection certificate from the said temple on 12.5.2015 for obtaining power connection in his saloon shop, he had also obtained the post office identity card from T.Nagar Head Post Office on 11.3.2015 bearing Card No.TKL-TNR-0-1013-15 and also obtained PAN card from the Income Tax Department. In addition thereto, he has also obtained assessment order from the Corporation of Chennai on 8.3.2016 issued by the Zonal Office IX, Revenue Department, Fourth Street, Lake Area, Nungambakkam bearing Order No.N/09/110/15-16/1721 daed 8.3.2016 for Rs.320/- for half yearly payment for running the said saloon. As the petitioner has also paid the property tax upto the second half of 2016-17 vide receipt No.2015-16/N110/0928959 dated 11.3.2016, his application to the second respondent for effecting electricity service connection to his saloon cannot be refused.

3. The learned standing counsel for the respondents 1 & 2 submitted that it is the case of the petitioner that he is running the barber shop only on the land belonging to Arulmigu Sockavel Subramania Swamy Tirukoil, Choolai and the same has also been admitted in his affidavit. Therefore, when the temple authority also have given objection on 22.3.2016, without getting no objection certificate from Arulmighu Sockavel Subramania Swamy Tirukoil, Choolai, who are the owners of the property, the petitioner cannot get the electricity service connection.

4. I also find merits in the submissions made by the learned standing counsel for the respondents 1 & 2. When the petitioner also has admitted in the affidavit filed in support of the writ petition that the land belongs to Arulmigu Sockavel Subramania Swamy Tirukoil, Choolai, he cannot apply for electricity service connection when there is an objection given by the temple. Therefore, finding no merits, the writ petition stands dismissed. No costs.

s/d-
Assistant Registrar (CS V)

True Copy

Sub-Assistant Registrar

ss
To

1. The Chairman
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO)
Anna Salai
Chennai 600 002

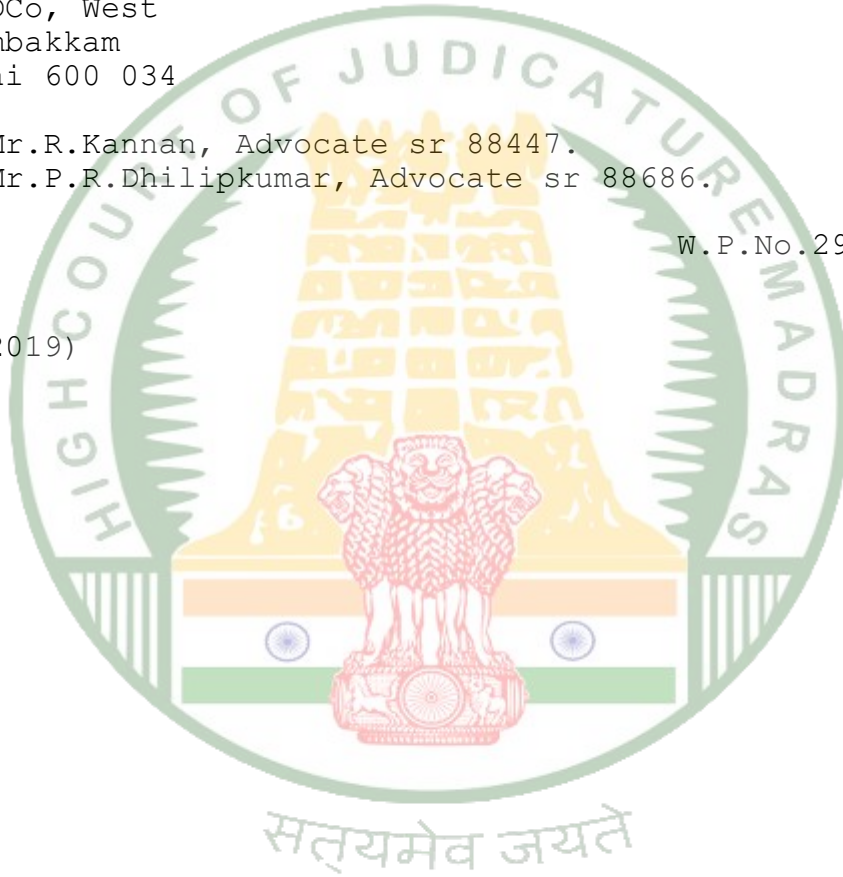
2. The Assistant Engineer
O & M/Mahalingapuram
TANGEDCo, West
Nungambakkam
Chennai 600 034

+1 CC to Mr.R.Kannan, Advocate sr 88447.

+1 CC to Mr.P.R.Dhilipkumar, Advocate sr 88686.

W.P.No.29149 of 2016

KK(CO)
SP(24/01/2019)



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