

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.12765 of 2019 and
W.M.P. Nos.12983 and 12985 of 2019

1.A.Palani
2.G.B.Sivakumar
3.Shali Badra

... Petitioners

-Vs-

1.The Commissioner,
Hindu Religious and Charitable
Endowment Board,
Chennai 34.

2.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Board,
Chennai 34.

3.The Executive Officer,
A/m.Ekambareshwarar Devasthanam,
Mint, Chennai 600 003.

4.Assistant Engineer,
Tamil Nadu Generation and
Distribution Corporation Limited,
Park Town, Chennai.

5.S.Krishnan

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, to direct the fourth respondent to grant electricity connection without insisting for ownership records or for no objection from the owners for giving electricity service connection to three shops under the occupation and possession of the petitioners to Door No.176, Mint Street, Park Town, Chennai 600 003, belonging to A/m.Ekambareshwarar Devasthanam, Mint, Chennai 600 003 by accepting the fees that is payable for such connection on the application made by the petitioners.

For Petitioners : Mr.Surya Narayanan G.

For Respondents : Mr.M.Maharaja,
Special Government Pleader
for R1 to R3

Mr.P.R.Dhilip Kumar,
Standing Counsel for R4

ORDER

The petitioners have come to this Court seeking a direction to the fourth respondent to grant electricity connection without insisting for ownership records or for no objection from the owners for giving electricity service connection to three shops under their occupation and possession to Door No.176, Mint Street, Park Town, Chennai 600 003, belonging to A/m.Ekambareshwarar Devasthanam, Mint, Chennai 600 003 by accepting the fees on the basis of the application made by them.

2.Learned counsel appearing for the petitioners, referring to the earlier order passed by this Court on 14.10.2015 in W.P. No.32934 of 2015, submitted that there was an order dated 14.12.2012 passed by the Joint Commissioner, Hindu Religious and Charitable Endowment Board, the second respondent herein, Chennai recognising one S.Krishnan, the fifth respondent herein as a direct tenant. Challenging the same, the petitioner has come to this Court by way of filing the Writ Petition in W.P. No.32934 of 2015 to quash the same on the ground that there was a heavy objection given by the petitioner on 11.06.2012 to the Executive Officer of the Arulmigu Ekambareshwarar Devasthanam. This Court by order dated 14.10.2015 directed the Executive Officer, Arulmighu Ekambareshwarar Devasthanam, Mint, Chennai to take appropriate action in the manner known to law either by passing an order or by getting appropriate direction from the Joint Commissioner, Hindu Religious and Charitable Endowments Board, the second respondent therein. But till date the direction given by this Court on 14.10.2015 has not been complied with.

3.According to the learned counsel appearing for the petitioners, since there was an enquiry conducted on various dates namely, 18.12.2015, 22.12.2015, 29.12.2015 and the matter was posted finally on 24.02.2016 for passing orders, till date no order has been passed by the respondents. In the meanwhile, the petitioners are facing problem without having the electricity service connection. Therefore, a representation dated 18.03.2019 has been given to provide electricity connection to the petitioners. As it is well settled that a

person seeking electricity service connection, need not be an owner, by executing indemnity bond under Clause 27(4) of the Tamil Nadu Electricity Distribution Code, the Electricity Department is bound to consider the application and provide electricity service connection. Therefore, the learned counsel for the petitioners prays for the above direction.

4.Mr.M.Maharaja, learned Special Government Pleader appearing for respondents 1 to 3, opposing the above prayer, submitted that the petitioners are not the direct tenants as they claim to be the sub tenant under Mr.S.Krishnan, the fifth respondent herein. Now the fifth respondent has been paying his monthly rent as an original tenant directly to the respondents. Therefore, the question of recognising the petitioners as sub tenants is un-tenable and un-acceptable. However, he sought for reasonable time to pass appropriate orders on the pending proceedings.

5.Since this Court by order dated 14.10.2015 has already directed the Executive Officer, Arulmighu Ekambareswarar Devasthanam, Mint, Chennai to take appropriate action in the manner known to law either by passing an order or by getting appropriate direction from the Joint Commissioner, Hindu Religious and Charitable Endowments Board, the second respondent herein, the second respondent is hereby directed to pass a final order on the pending proceedings within a period of four weeks from the date of receipt of a copy of this order.

6.Accordingly, the writ petition stands dismissed. Consequently, connected W.M.Ps are closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Commissioner,
Hindu Religious and Charitable
Endowment Board,
Chennai 34.

2.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Board,
Chennai 34.

3.The Executive Officer,
A/m.Ekambareshwarar Devasthanam,
Mint, Chennai 600 003.

4.Assistant Engineer,
Tamil Nadu Generation and
Distribution Corporation Limited,
Park Town, Chennai.

+1cc to Mr.P.R.Dhilip Kumar Advocate, SR.No.42152
+1cc to the Govt.Pleader, Vide Sr.No.43043

Kak(21/06/2019)

W.P.No.12765 of 2019



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