

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:12.11.2019

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Writ Petition No.21552 of 2019

and

W.M.P.No.20745 of 2019

Arulmigu Bhagavathi Amman Temple
represented by its Managing Trustee
Mr.N.Govindasamy,
S/o Nagappan,
No.5/A, Sri Bhagavadhi Amman Koil Street,
Cuddalore 607 001. ... Petitioner

/versus/

1.The Superintending Engineer,
(Production and Management),
Tamil Nadu Electricity Board,
Kepparmalai,
Cuddalore 607 004.

2.The Assistant Engineer,
Tamil Nadu Electricity Board,
Azhagappa Nagar,
Cuddalore 607 001.

3.Shanthi

4.P.Augustin

5.Arulmighu Bhagavathi Amman Temple
Rep.y its Managing Trustee
Mr.S.Mayavan, Vilvarayanatham,
Manjakuppam, Cuddalore 607 001.
(R5 is impleaded vide order made in
W.M.P.No.23699/2019 on 26.08.2019 by
GJJ) ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st and 2nd respondents to disconnect the electricity connection vide EB S/C No.002-0017-174 Trip which is unlawfully obtained by the 4th respondent for the schedule mentioned property based on the petitioner's representation dated 02.07.2019.

For Petitioner : Mr.S.Veeraraghavan
For Respondents: Mr.M.Varunkumar
Standing Counsel for R1& R2
No appearance for R3
Mr.J.Antony Jesus for R4
Mr.Perumbulavil Radha Krishnan
for R5

ORDER

This writ petition has been filed praying to issue a Writ of Mandamus directing the 1st and 2nd respondents to disconnect the electricity connection vide EB S/C No.002-0017-174 Trip which is unlawfully obtained by the 4th respondent for the schedule mentioned property based on the petitioner's representation dated 02.07.2019.

2.Heard the learned counsel appearing for the petitioner and the learned counsels appearing for the respondents.

3.The petitioner herein claiming himself as the representative of the Arulmigu Bhagavathi amman temple has filed this writ petition questioning the conduct of the 1st and 2nd respondents providing electricity service connection to the private respondents 3 and 4. He alleges that the land belongs to the Bhagavathi Amman Temple and without the consent of the petitioner/Managing Trustee, the electricity service has been provided to respondents 3 and 4. The petitioner in his affidavit base his right as the Trustee of the said temple.

4.Whereas the impleaded 5th respondent claims that he is the present Managing Trustee of the Arulmigu Bagavathi Amman Temple and the service connection is provided to the tenants of the temple based on the resolution passed by the village members, who are administering the temple.

5.This Court under Article 226 of the Constitution of India cannot look into the disputed question of fact who is the Managing Trustee of the temple. Factually, the electricity service connection has been given to the tenants of the temple and the service stands in the name of the temple. In any event the temple is no way prejudiced and if the petitioner herein has any grievance regarding his right to administer the temple, he can work out his remedy before the appropriate forum. Hence, this petition is liable to be dismissed.

6. Accordingly, this writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To:

1. The Superintending Engineer,
(Production and Management),
Tamil Nadu Electricity Board,
Kepparmalai,
Cuddalore 607 004.

2. The Assistant Engineer,
Tamil Nadu Electricity Board,
Azhagappa Nagar,
Cuddalore 607 001.

+1 cc to M/s.S.Veeraraghavan, Advocate Sr.No. 93619
+1 cc to M/s.M.Varunkumar, Advocate Sr.No. 93874
+1 cc to M/s.J.Antony Jesus, Advocate Sr.No. 93714

AKM/16.12.19/3P-6C /

सत्यमेव जयते

W.P.No.21552 of 2019

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