

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.09.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.24548 of 2019

and

W.M.P.No.24231 of 2019

Salem Omalur Maanguppai Arulmighu
Mannathasami and Sri Pachiamman Koil
Panagaligal Nirvagigal Sangam having
its Regd.Office at Manguppai Village,
Omalur, Salem-11 rep. herein by its
Secretary Mr.A.Rathinavel

.. Petitioner

/versus/

1.The Assistant Executive Engineer,
TANGEDCO,
Division-1, Muthunaickenpatti,
Omalur, Salem 636 030.

2.N.Ramesh

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondent from in any manner disconnecting the electricity service in Service No.460-007-1294 provided to Poomalaiyar Temple forming part of 3 group temples dedicated to Goddess Pachiamman & Mannathasami, Poomalayarsami and Veeransami situate in S.No.8/2, Manguppai Village, Omalur Taluk, Salem District.

For Petitioner :Mr.T.S.Vijaya Raghavan

For Respondents :Mr.S.K.Rameshwar,St.c for R1
Mr.D.Shivakumaran, for R2

O R D E R

The prayer in the writ petition is to issue a Writ of Mandamus forbearing the 1st respondent from in any manner disconnecting the electricity service in Service No.460-007-1294 provided to Poomalaiyar Temple forming part of 3 group temples dedicated to Goddess Pachiamman & Mannathasami, Poomalayarsami and Veeransami situate in S.No.8/2, Manguppai Village, Omalur Taluk, Salem District.

2. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the first respondent and the learned counsel appearing for the 2nd respondent.

3. There is a dispute regarding the Management of the Group of Temple namely, Pachiamman and Mannathasami, Poomalayarsami and Veeransami situated in S.No.8/2, Manguppai Village, Omalur Taluk, Salem District.

4. The Poosari right and hereditary right etc are under dispute and the matter is pending before the HR and CE Department, Salem. Meanwhile, pursuant to the lawyer notice issued, the impugned notice has been issued by the TANGEDCO calling upon the petitioner herein, why the service connection provided to the Poomalaiyarsamy Temple having S.C.No.No. 460-007-1294 shall not be disconnected. Aggrieved by that, the petitioner has approached this Court for the aforesaid prayer.

5. The second respondent has filed his counter disputing the averments made in the affidavit claiming exclusive right of the management of the temple. However, the learned counsel appearing for the second respondent would state that the lawyer notice referred by the first respondent in the impugned order was not sent on behalf of his client and he has no objection for the temple been provided with the electrical service connection.

6. In such circumstances, there is no necessity for this Court to discuss the merits about the right of administration of the temple whether with the petitioner or the second respondent, which is now seized of by the Joint Commissioner, HR and CE Department in O.A.No.2 of 2019. As far as the service connection provided to the Poonamalai temple is concerned, direction is issued to the first respondent-TANGEDCO that it shall not disconnect the service connection as long as the consumer pays the consumption charges regularly.

7. With this observation, the writ petition is disposed of.no costs.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

ari

To

The Assistant Executive Engineer,
TANGEDCO,
Division-1, Muthunaickenpatti,
Omalur, Salem 636 030.

+1 cc to M/s.D.Shivakumaran, Advocate, S.R.No.83699

+1 cc to M/s.T.S.Vijaya Raghavan, Advocate, S.R.No.83533

W.P.No.24548 of 2019

RSI(CO)
SSM(04/11/2019)