

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :21.10.2019

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Writ Petition No.28710 of 2019
and
W.M.P.No.28460 of 2019

1.M.Chinna
2.S.Settu
3.E.Santhi

.. Petitioners

/versus/

1.Assistant Engineer,
Office of the Assistant Engineer,
Tamil Nadu Electricity Board(TANGEDCO),
Lakshmi Puram Division,
Chennai 600 099
(TANGEDCO).

2.Joint Commissioner, HR & CE,
Hindu Religious and Charitable Endowment Board,
Uthamar Gandhi Salai,
Nungambakkam,
Chennai 600 034.

3.The Executive Officer,
Arulmigu Sri Somanathaswamy Thirukoil,
Kolathur, Chennai 600 099.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to provide electricity connection for the residence of the petitioners located in number 69/6 Subash Nagar Extension, Sri Malaikuravalli Street, Buthagaram, Kolathur, Chennai 600 099.

For Petitioners :Mr.S.Sai Shankar

For Respondents :Mr.P.R.Dhilip Kumar
standing counsel for R1
Mr.M.Maharaja, Spl.G.P.
(HR & CE) for R2 and R3

O R D E R

The Writ Petition is filed to issue a Writ of Mandamus directing the first respondent to provide electricity connection for the residence of the petitioners located in number 69/6 Subash Nagar Extension, Sri Malaikuravalli Street, Buthagaram, Kolathur, Chennai 600 099.

2. The case of the petitioners is that they are in occupation of the land owned by the Hindu Religious and Charitable Endowments Department (in short "HR & CE Department") and residing for years together and they sought for electricity service connection to their residence. The Electricity Department insisted upon the petitioners to obtain no objection certificate from the HR & CE Department. It is insisted by the TANGEDCO that the HR & CE Department has to make application for electricity connection or else the electricity service connection will not be provided.

3. The learned counsel appearing for the petitioners that in a similar circumstance for the other tenants in the very same area owned by the HR & CE Department, this Court has directed the Electricity Board to provide service connection to the residence in the name of the temple. Referring the said judgment, the learned counsel appearing for the petitioners would also pray that a direction may be issued to the first respondent to provide electricity service connection for the residence of the petitioners located in S.No.69/6 Subash Nagar Extension, Sri Malaikuravalli Street, Buthagaram, Kolathur, Chennai.

4. The judgment referred by the learned counsel appearing for the petitioners is rendered in W.P.No.5248 of 2019 dated 26.02.2019, which reads as under:

"4.Mr.M.Maharaja, learned Special Government Pleader appearing for the 2nd and 3rd respondents, based on instructions, submitted that already an execution proceedings to evict the petitioners and other tenants have been filed and the same is pending against the petitioners and therefore, the present relief need not be granted to the petitioners.

5.On the other hand, the learned counsel for the petitioners submitted that so long as the petitioners are residing in

the property, they are entitled to have the basic amenity viz., the electricity connection and therefore, the petitioners are agreeable, if the electricity connection is given even in the name of the 3rd respondent.

6. Considering the above stated facts and circumstances and the submissions made by the learned counsel appearing for the respective parties, this Court is of the view that there will not be impediment for the 1st respondent for providing the electricity supply to the petition mentioned premises, pending eviction proceedings, if the service connection is given in the name of the 3rd respondent. Needless to say that the order passed in this writ petition cannot be taken advantage by the petitioners in any manner in the other proceedings pending against them filed by the 2nd and 3rd respondents. Thus, this writ petition is disposed of, only with a direction to the 1st respondent to provide the electricity connection for the petition mentioned premises in the name of the 3rd respondent, after collecting necessary charges from the petitioners. Such exercise shall be done by the 1st respondent within a period of two weeks from the date of receipt of a copy of this order. No costs."

5. Following the above said judgment, this Writ Petition is allowed on the same terms and conditions. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1.Assistant Engineer,
Office of the Assistant Engineer,
Tamil Nadu Electricity Board(TANGEDCO),
Lakshmi Puram Division,
Chennai 600 099
(TANGEDCO).

2.Joint Commissioner, HR & CE,
Hindu Religious and Charitable Endowment Board,
Uthamar Gandhi Salai,
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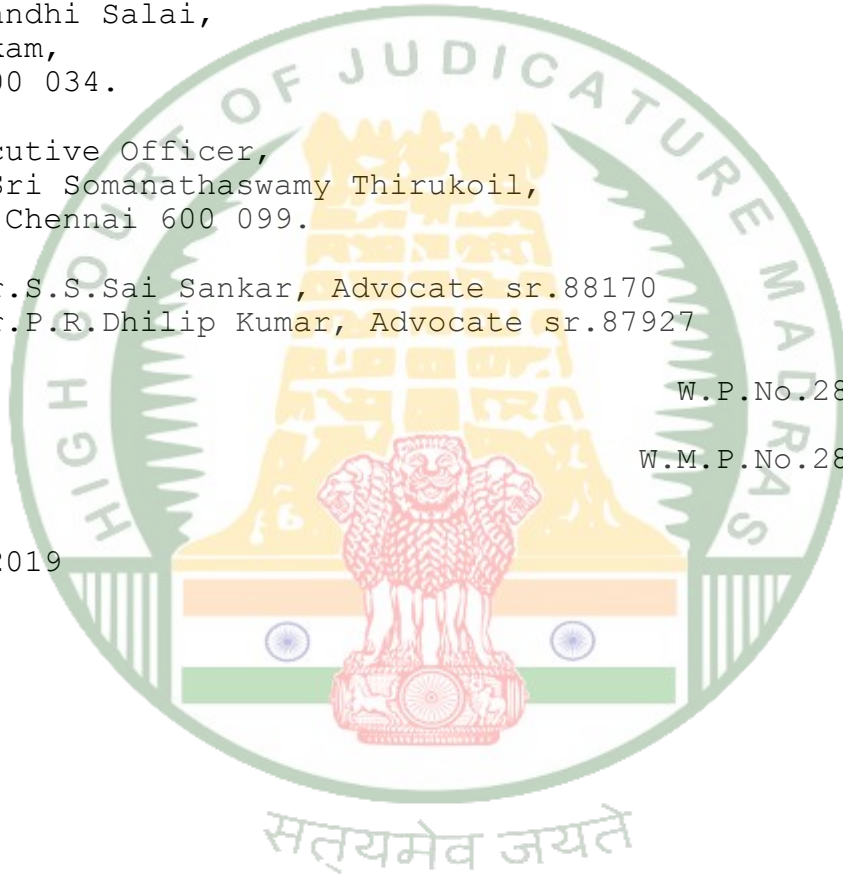
3.The Executive Officer,
Arulmigu Sri Somanathaswamy Thirukoil,
Kolathur, Chennai 600 099.

+1cc to Mr.S.S.Sai Sankar, Advocate sr.88170

+1cc to Mr.P.R.Dhilip Kumar, Advocate sr.87927

W.P.No.28710 of 2019
and
W.M.P.No.28460 of 2019

ss(co)
nr 22/10/2019



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