



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

WEB COPY

W.P.(MD) Nos.19857 to 19871, 19889 and 19894 of 2019andW.M.P.(MD).Nos.16365 to 16378, 16393, 16394 and 16396 of 2019

T.Sathish	... Petitioner in WP(MD). 19857/ 2019
E. Muthu	... Petitioner in WP(MD). 19858/ 2019
V.Murugan	... Petitioner in WP(MD). 19859/ 2019
E.Ramachandran	... Petitioner in WP(MD). 19860/ 2019
E. Subbiyah	... Petitioner in WP(MD). 19861/ 2019
R.Raja Sajee	... Petitioner in WP(MD). 19862/ 2019
D. Saravanan	... Petitioner in WP(MD). 19863/ 2019
S.Sivakumar	... Petitioner in WP(MD). 19864/ 2019
P. Rajan	... Petitioner in WP(MD). 19865/ 2019
K.Murugan	... Petitioner in WP(MD). 19866/ 2019
P.Ganesan	... Petitioner in WP(MD). 19867/ 2019
K.Manikandan	... Petitioner in WP(MD). 19868/ 2019
M.Saravanan	... Petitioner in WP(MD). 19869/ 2019
T.Selvakumar	... Petitioner in WP(MD). 19870/ 2019
T.Muthu Lingam	... Petitioner in WP(MD). 19871/ 2019
M.Suresh	... Petitioner in WP(MD). 19889/ 2019
M.Murugan	... Petitioner in WP(MD). 19894/ 2019

/ VERSUS /

1. The Commissioner

Hindu Religious and Endowment Department,

No.119, Uthamar Gandhi Road, Thirumurthy Nagar, Nungambakkam,
Chennai-600 006

2. The Joint Commissioner

Hindu Religious and Endowment Dept., Suchindram, Kanyakumari

3. The Manager

Arulmigu Bhagavathyamman Thirukoil, Kanyakumari District

4. The Superintending Engineer

TANGEDCO, Nagercoil, Kanyakumari District

5. The Executive Engineer Distribution,

Nagercoil, Kanyakumari District

**... Respondents in WP(MD). 19857 to 19871,
19889 and 19894/ 2019**

Prayer in WP(MD). 19857/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court directing the respondent Nos.2 and 3 to provide electricity connection to petitioner's shop in Shop.No.1 S.No.679/2 Triveni Sangamam, Anugu Saalai, Kanyakumari District.

Prayer in WP(MD). 19858/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Directing the respondents No.2 and 3 to provide electricity connection to petitioner's shop in Shop No.16 S.No.679/2 Triveni Sangamam, Anugu Saalai, Kanyakumari District, within time frame stipulated by this Honourable Court.

Prayer in WP(MD). 19859/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court directing the respondent Nos.2 and 3 to provide electricity connection to petitioner's shop in Shop.No.13 S.No.679/2 Triveni Sangamam, Anugu Saalai, Kanyakumari District.

Prayer in WP(MD). 19860/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Directing the respondents No.2 and 3 to provide electricity connection to petitioner's shop in Shop No.15 S.No.679/2 Triveni Sangamam, Anugu Saalai, Kanyakumari District, within time frame stipulated by this Honourable Court.

Prayer in WP(MD). 19861/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Directing the respondents No.2 and 3 to provide electricity connection to petitioner's shop in Shop No.4 S.No.679/2 Triveni Sangamam, Anugu Saalai, Kanyakumari District, within time frame stipulated by this Honourable Court.

**Prayer in WP(MD) . 19862/ 2019 :**

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court directing the respondent Nos.2 and 3 to provide electricity connection to petitioner's shop in Shop.No.9 S.No.679/2 Triveni Sangamam, Anugu Saalai, Kanyakumari District.

Prayer in WP(MD) . 19863/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Directing the respondents No.2 and 3 to provide electricity connection to petitioner's shop in Shop No.10 S.No.679/2 Triveni Sangamam, Anugu Saalai, Kanyakumari District, within time frame stipulated by this Honourable Court.

Prayer in WP(MD) . 19864/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Directing the respondents No.2 and 3 to provide electricity connection to petitioner's shop in Shop No.11 S.No.679/2 Triveni Sangamam, Anugu Saalai, Kanyakumari District, within time frame stipulated by this Honourable Court.

Prayer in WP(MD) . 19865/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Directing the respondents No.2 and 3 to provide electricity connection to petitioner's shop in Shop No..6 S.No.679/2 Triveni Sangamam, Anugu Saalai, Kanyakumari District, within time frame stipulated by this Honourable Court.

Prayer in WP(MD) . 19866/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Directing the respondents No.2 and 3 to provide electricity connection to petitioner's shop in Shop No.21 S.No.679/2 Triveni Sangamam, Anugu Saalai, Kanyakumari District, within time frame stipulated by this Honourable Court.

Prayer in WP(MD) . 19867/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court directing the respondent Nos.2 and 3 to provide electricity connection to petitioner's shop in Shop.No.20 S.No.679/2 Triveni Sangamam, Anugu Saalai, Kanyakumari District.

Prayer in WP(MD) . 19868/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court directing the respondent Nos.2 and 3 to provide electricity connection to petitioner's shop in Shop.No.14 S.No.679/2 Triveni Sangamam, Anugu Saalai, Kanyakumari District.

Prayer in WP(MD) . 19869/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Directing the respondents No.2 and 3 to provide electricity connection to petitioner's shop in Shop No.12 S.No.679/2 Triveni Sangamam, Anugu Saalai, Kanyakumari District, within time frame stipulated by this Honourable Court.

Prayer in WP(MD) . 19870/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court directing the respondent Nos.2 and 3 to provide electricity connection to petitioner's shop in Shop.No.18 S.No.679/2 Triveni Sangamam, Anugu Saalai, Kanyakumari District.

Prayer in WP(MD) . 19871/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court directing the respondent Nos.2 and 3 to provide electricity connection to petitioner's shop in Shop.No.19 S.No.679/2 Triveni Sangamam, Anugu Saalai, Kanyakumari District.

Prayer in WP(MD) . 19889/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court directing the respondent Nos.2 and 3 to provide electricity connection to petitioner's shop in Shop.No.17 S.No.679/2 Triveni Sangamam, Anugu Saalai, Kanyakumari District.

Prayer in WP(MD) . 19894/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court directing the respondent Nos.2 and 3 to provide electricity connection to petitioner's shop in Shop.No.5 S.No.679/2 Triveni Sangamam, Anugu Saalai, Kanyakumari District.



For Petitioners : Mr.T.Lajapathi Roy

For Respondents : Mr.V.R.Shanmuganathan

Special Govt. Pleader for R-1

Mr.K.Sathiyasingh

Standing Counsel for RR-2 & 3

Mrs.M.Rajeswari for

Mr.S.M.S.Johny Basha

Standing Counsel for TNEB- RR-4 & 5
(in all WPs)

C O M M O N O R D E R

The petitioners are the successful bidders of the temporary shops allotted by the 2nd and 3rd respondents viz., the Joint Commissioner of Hindu Religious and Endowment Department and the Manager of Arulmigu Bhagavathyamman Thirukkoil, Kanyakumari District, at Sy.No.679/2 Triveni Sangamam, Anugu Salai, Kanyakumari District. On an earlier occasion, certain other licensees preferred writ petitions challenging certain orders of the second respondent. In the said writ petitions, a direction was issued by the Division Bench of this Court as follows:

"12.In the light of the submissions made and other facts and circumstances of the case, this Court directs the appellants/writ petitioners to pay the licence fee at the rate of Rs.1 per sq. ft. from 01.05.2012 in respect of the shops for their occupation, within a period of four weeks from the date of receipt of a copy of this order and they are also directed to strictly comply with the conditions of the licence and if there is any deviation, it is open to the respondents 2 to 4 to initiate appropriate action against them in accordance with law. So far as the availment of the electricity supply, to have a single bulb in the temporary shops of the appellants/petitioners are concerned, they are at liberty to approach the concerned authorities for getting No Objection Certificate and as and when they are obtained the same, such amenities shall be granted as expeditiously as possible in accordance with law. The difference in licence fee is to be collected after deducting the amount if any, already paid."

2.As per the above order, the licensees were directed to approach the authorities for getting No Objection Certificate for getting electricity to have a single bulb in the temporary shops.



Accordingly, the licensees have submitted their representation on 13.09.2019.

3. When the matter is taken up for hearing, the learned counsel for the respondents 2 and 3, who are the temple authorities submitted that they are prepared to consider the representation of the petitioner and pass orders.

4. The learned counsel for the respondents 4 and 5 would submit that if No Objection Certificate is given by the respondents 2 and 3, they will comply with the order of this Court.

5. From the perusal of the documents produced before me, I could consider that the petitioners were granted licenses to run temporary shops at Triveni Sangamam. The issuance of licenses through a public auction is also not disputed. The Division Bench has already directed the other set of licensees to approach the authorities for getting No Objection Certificate to avail the amenities.

6. In the considered opinion of this Court, since the licenses are issued by the 2nd and 3rd respondents, they may not have any serious objection for granting electricity supply to their licensees. If at all, after the lapse of licence period, the respondents 1 to 3 can go for fresh auction and they are always entitled to cancel the licences, so also the electricity connections can be disconnected by the 4th and 5th respondents. In such an event, none of the parties to this writ petition will be affected, as no vested interest is created in favour of any one, much less the licencees.

7. Therefore, considering the order passed by the Division Bench and also considering the fact the petitioners being the successful bidders and sanctioned with licenses to run the shops, a direction is given to the 4th and 5th respondents to provide electricity connection to the petitioners for burning a single bulb in the temporary shops. The petitioners will not have any vested right over continuation of license on account of provision of electricity service connections.

8. Accordingly, these writ petitions are disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

SD

ASSISTANT REGISTRAR

TRUE COPY



To:

- 1.The Commissioner
Hindu Religious and Endowment Department
No.119, Uthamar Gandhi Road
Thirumurthy Nagar,
Nungambakkam, Chennai-06.
- 2.The Joint Commissioner
Hindu Religious and Endowment Department
Suchindram, Kanyakumari District.
- 3.The Manager,
Arulmigu Bhagavathyamma Thirukkoil,
Kanyakumari,
Kanyakumari District.
- 4.The Superintending Engineer,
O/o.The Superintending Engineer,
TANGEDCO,
Nagercoil,
Kanyakumari District.
- 5.The Executive Engineer,
O/o.The Executive Engineer,
Distribution,
Nagercoil,
Kanyakumari District.

1CC TO MR. K. SATHIYA SINGH, ADVOCATE SR 87279
17CC'S TO MR.T. LAJAPATHI ROY, ADVOCATE SR 87329

KM/09.10.2019/7P/24C

W.P. (MD) Nos.19857 to 19871, 19889 and
19894 of 2019
17.09.2019