



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.03.2021

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CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

Rev. Aplc(MD)Nos.27 to 30 of 2020
and
C.M.P (MD) Nos.2113, 2114, 2117, 2119, 2121 to 2123 of 2020
and
Cont.P(MD)Nos.1591 to 1594 of 2019

The Executive Officer,
Sri Thiruvazhutheswarar Perianayagi Amman Devasthanam,
Earvadi, Nanguneri Taluk,
Tirunelveli District.

... Petitioner/Appellant/3rd Respondent
in all Review Applications

Vs.

01.P.Sankaravel

... 1st Respondent/1st Respondent/Writ Petitioner
in Rev. Aplc(MD)No.27 of 2020

02.V.Jeyapandi

... 1st Respondent/1st Respondent/Writ Petitioner
in Rev.Aplc(MD)No.28 of 2020

03.V.Narayanan

... 1st Respondent/1st Respondent/Writ Petitioner
in Rev.Aplc(MD)No.29 of 2020

04.V.Subbammal

... 1st respondent/1st Respondent/Writ Petitioner
in Rev. Aplc(MD)No.30 of 2020

02.The Executive Engineer Distribution,
TANGEDCO Valliyoor,
Tirunelveli District.

03.The Village Administrative Officer,
Kovilammalpuram Village,
Mavadi Via, Nanguneri Taluk,
Tirunelveli District.

... Respondents 2 & 3/Respondents 2 & 3/
Respondents 1 & 2 in all Review Applications



Common Prayer: Review Applications filed under Order 47 Rule 1 and 2 of C.P.C r/w Section 114 of Civil Procedure Code, to review the order dated 28.09.2018 made in W.A(MD)Nos.63, 62, 61 and 64 of 2018 respectively.

PRAYER IN WA(MD).No.61 TO 64 OF 2018: Writ Appeals filed under Clause 15 of the Letters Patent, against the order passed by this Court in W.P.(MD).Nos.9420 of 2017, W.P.(MD).No.9421 of 2017, W.P.(MD).No.9422 of 2017 and W.P.(MD).No.9423 of 17, dated 30.05.2017.

(In All Cases)

For Applicant : Mr.K.P.Narayanakumar
Special Government Pleader

For R-1 : Mr.H.Arumugam

For R-2 & R-3 : No Appearance

Cont. P(MD)Nos.1591 to 1594 of 2019

V.Narayanan ... Petitioner in Cont.P(MD)No.1591 of 2019

V.Jeyapandi ... Petitioner in Cont.P(MD)No.1592 of 2019

V.Subbammal ... Petitioner in Cont.P(MD)No.1593 of 2019

P.Sankaravel ... Petitioner in Cont.P(MD)No.1594 of 2019

..VS..

S.Murugan,
The Executive Officer,
Sri Thiruvazhutheswarar
Perianayagi Amman Devasthanam,
Erwadi, Nanguneri Taluk,
Tirunelveli District. ... Contemnor / Appellant

Common Prayer:Contempt Petitions are filed under Section 11 of the Contempt of Courts Act, to punish the contemnor/respondent for willful disobedience of the orders of this Court dated 28.09.2018 passed in W.A(MD)Nos.61, 63, 64, 62 of 2018 respectively.

PRAYER IN WA(MD).No.61 TO 64 OF 2018: Writ Appeals filed under Clause 15 of the Letters Patent, against the order passed by this Court in W.P.(MD).Nos.9420 of 2017, W.P.(MD).No.9421 of 2017, W.P.(MD).No.9422 of 2017 and W.P.(MD).No.9423 of 17, dated 30.05.2017.



Prayer in WP(MD). 9420/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of mandamus directing the 3rd respondent to issue Noc and further direct 1st respondent to provide electricity supply in the name of petitioner for agriculture purpose as per regulation 27(2) of the Tamil Nadu Electricity Distribution Code to the petitioner's well situated in s.no.246, Savalaikarankulam Village, Nanguneri Taluk, Tirunelveli district within the time.

Prayer in WP(MD). 9421/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus directing the 3rd respondent to issue NOC and further direct 1st respondent to provide electricity supply in the name of petitioner for agriculture purpose as per Regulation 27(2) of the Tamil Nadu Electricity Distribution Code to the petitioners Bore Well situated in S.No.264, Savalaikarankulam Village, Nanguneri Taluk, Tirunelveli District.

Prayer in WP(MD). 9422/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus directing the 3rd respondent to issue NOC and further direct 1st respondent to provide electricity supply in the name of petitioner for agriculture purpose as per Regulation 27(2) of the Tamil Nadu Electricity Distribution Code to the petitioners Well situated in S.No.265 and 266, Savalaikarankulam Village, Nanguneri Taluk, Tirunelveli District.

Prayer in WP(MD). 9423/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of mandamus directing the 3rd respondent to issue noc and further direct 1st respondent to provide electricity supply in the name of petitioner for agriculture purpose as per regulation 27(2) of the Tamil Nadu Electricity Distribution Code to the petitioner's well situated in s.no.250, Savalaikarankulam Village, Nanguneri Tlauk, Tirunelveli district.

For Petitioner : Mr.H.Arumugam
For Respondent : Mr.K.P.Narayanakumar,
Special Government Pleader



JUDGMENT

**(Judgment of the Court was delivered by
PUSHPA SATHYANARAYANA, J.)**

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These review applications are filed pointing out certain mistakes in Paragraph No.10 of the judgment dated 28.09.2018 made in W.A(MD)Nos.61, 63, 64, 62 of 2018, regarding the fixation of rent payable.

2. It is stated that in the Judgment that the Joint Commissioner of HR & CE, to decide the same whereas it is pointed out by the learned counsel for the respondents/tenants that though the Committee headed by the Joint Commissioner can decide the rent, the same has to be decided under the provisions of the Tamil Nadu Public Trusts (Regulations of Administration of Agricultural Lands) Act 1961. With regard to that, it is open to the tenant to point out the same, at the time of fixing the rent.

3. The second mistake pointed out is in the year 7th line of Paragraph No.10, instead of '1414', it is typed as '1248'. It is a typographical error and the same is corrected.

4. Thirdly, there is a direction given to the appellant to issue 'No Objection Certificate' to the respondents/tenants for getting electricity supply in their names.

5. Fort that, it is pointed out by the learned Special Government Pleader that as the ownership of the temple is admitted, service connection should be in the name of the temple and it is also stated that the temple would extend any help to the tenants in case of any difficulty with the service connection.

6. The learned counsel appearing for the respondents/tenants has got no objection for these corrections to be made.

7. As the temple itself has to take the service connection in its name, the temple is directed to complete the exercise, within a period of two months. All the other directions, shall stand good.

8. In the result, all the Review Applications are allowed. No Costs. Consequently, connected Miscellaneous Petitions are closed.



9. In view of the order passed in the Review Applications, all the contempt petitions are closed.

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Sd/-

Assistant Registrar(Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To:

- 1.The Executive Officer,
Sri Thiruvazhutheswarar
Perianayagi Amman Devasthanam,
Erwadi, Nanguneri Taluk,
Tirunelveli District.
- 2.The Executive Engineer Distribution,
TANGEDCO Valliyoor,
Tirunelveli District.
- 3.The Village Administrative Officer,
Kovilammalpuram Village,
Mavadi Via, Nanguneri Taluk,
Tirunelveli District.

+1 CC to Mr.H.ARUMUGAM, Advocate SR.No. 14020

ES(CO)

TR(07.05.2021) 5P 5C