



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE **G.R. SWAMINATHAN**

W.P (MD) .No.5510 of 2020

M.Shanmugaiah

... Petitioner

Vs

1.The Executive Engineer
Tamil Nadu Generation and Distribution
Corporation Limited
Sankarankovil
Tirunelveli District

2.The Assistant Engineer
Distribution
Tamil Nadu Generation and Distribution
Corporation Limited
Sankarankovil
Tirunelveli District

3.The Administrative Officer
Arulmegu Sankaranarayana Swamy Kovil
Sankarankovil
Tirunelveli District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the first respondent pertaining to its order bearing க.எண். செ.பொ/வி.நி/ச.கோ/தொ.நுஉ.1/கோ.வி.பு/அ.எண். 65/20 dated 08.01.2020 and to quash the same and consequently directing the first and second respondents to grant agriculture electricity connection to the petitioner in the name of Arulmegu Sankaranarayana Swamy Kovil so as to draw water from the Well situated in Survey No.834/4 Sankarankovil Village, Sankarankovil Taluk, Tirunelveli District for agriculture purpose within a time frame that may be fixed by this Court.

For Petitioner	: Mr.S.C.Herold Singh
For R1 & R2	: Mrs.M.Rajeswari for Mr.S.M.S.Johny Basha
For R3	: Mr.V.R.Shanmuganathan Special Government Pleader

ORDER

Heard the learned counsel on either side.



2. The petitioner had taken lease of certain agricultural lands from the third respondent temple. The Well for watering the said land is situated in Survey No. 834/4 in Sankarankovil Village, Sankarankovil Taluk, Tirunelveli District. When the petitioner applied for providing electricity connection, the same was rejected by the second respondent on the ground that the petitioner has no *locus standi* to apply for the same. Challenging the said rejection order, this writ petition came to be filed.

3. When the matter was taken up for hearing, the learned Standing Counsel appearing for the respondents 1 and 2 submitted that the land stands in the name of the third party and not in the name of the temple. The case was therefore adjourned to enable the petitioner to get instruction. It is now stated that the land in question is a Kattalaidharar land which has been entrusted for the interest of the temple. Therefore, the name of Kattalaidharar is reflected in the revenue records and not in the name of temple. The learned Standing counsel states that the Kattalaidharar had already given No Objection Certificate in favour of the temple and the same is also enclosed in the typed set of paper.

4. Taking note of all these aspects, I direct the third respondent to submit an application for grant of electricity connection to the second respondent. The third respondent will enclose the No Objection Certificate from the person whose name still reflected in the revenue records. The second respondent shall treat the application as if it is in order. The request for grant of free electricity connection has to necessarily come in queue. This Court cannot permit the third respondent to jump the queue. It is made clear that this Court is now only directing the first and second respondents to entertain the application in the name of the temple even though a third party name is reflected in the revenue records. As and when the turn of third respondent comes, free electricity service connection will be given. If the third respondent is willing to take service under any self-financing scheme, the same will also be considered as per law.

5. With the above directions, this Writ petition is disposed of. No costs.

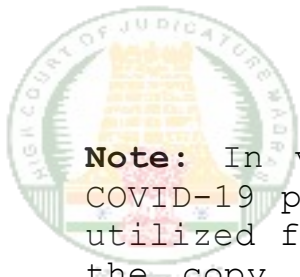
Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)



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 Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited , Sankarankovil,
Tirunelveli District
2. The Assistant Engineer, Distribution,
Tamil Nadu Generation and Distribution Corporation Limited
Sankarankovil, Tirunelveli District
3. The Administrative Officer
Arulmegu Sankaranarayana Swamy Kovil
Sankarankovil, Tirunelveli District

W.P (MD) .No.5510 of 2020
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ns (CO)
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