



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.09.2020

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.10179 of 2020

Vigneshwaran
Trustee of Arulmighu
Sidhi Vinayagar Temple,
(commonly known as Pillaiyar Kovil)
S/o.Rajasekaran
250/35, Pillaiyar Kovil Street,
Main Road,
Paramankurichi,
Thiruchendur Taluk,
Tuticorin District.

... Petitioner

Vs.

1.The Superintending Engineer,
Paramankurichi,
Thiruchendur Taluk,
Tuticorin District.

2.The Designated Engineer AE/ O&M,
Paramankurichi,
Thiruchendur Taluk,
Tuticorin District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the application bearing No.200073630820376, dated 05.08.2020 and consequently direct the respondent to sanction electricity connection for the petitioner temple.

For Petitioner	:	Mr.S.Parthasarathy
For Respondents	:	Mrs.S.Srimathy for Mr.S.M.S.Johnny Basha, Standing counsel

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Standing counsel appearing for the respondents.

2. The learned counsel for the petitioner states that he is a permanent resident of Paramankurichi Village, Thiruchendur Taluk,

<https://hcservices.ecourts.gov.in/hcservices/>



Tuticorin District. The petitioner's ancestors have established a temple dedicated to Lord Vinayagar. He also would state that the temple is being worshipped exclusively by the family members.

3. According to the petitioner, his Great-grand-father was one Ramasamy Nadar. Ramasamy Nadar's wife was Rajeshwari. The couple were blessed with three daughters namely, Sethulakshmi Ammal, Roja Ammal and Parijatham Ammal. After the demise of Ramasamy Nadar, the family properties devolved on Rajeshwari Ammal. The said Rajeshwari Ammal had executed a registered 'Will', dated 21.07.1973. The 'Will' contains four schedules, the properties described in schedule 1 to 3 were bequeathed in favour of the three daughters. The fourth schedule property has been ear-marked and endowed for the benefit of the Vinayagar Temple. The petitioner states that while the other members of the family have left the Village, he continues to reside in the Village and is taking care of the temple. The petitioner wants electricity connection for the temple. Since the petitioner's request has not been considered, he has filed this writ petition.

4. When the matter was taken up for hearing, the learned Standing counsel submitted that they have received a petition from one Rajakanthan, vide letter, dated 10.08.2020. A copy of the letter was also made available by the learned Standing counsel. It is informed by the petitioner's counsel, that the said Rajakanthan, is none other than the petitioner's uncle. In-fact, a reading of the said objection letter indicates that the said Rajakanthan is opposed to some third party obtaining electricity service connection in their name. The petitioner has clarified that even his application would reveal that he only wants electricity connection to the temple in the name of the temple, represented by its Trustee. In-fact, the petitioner makes it clear, he will not make any personal claim. He is only interested in the well-being of the temple and nothing else. Since the petitioner states that there is no personal right to be claimed, I am of the view that the relief sought for by the petitioner deserves to be granted.

5. Section 43 of Electricity Act states whenever an application for Electricity supply is made by the owner or occupier of any premises, within one month after receipt of the application requiring such supply, the Licensee is obliged to provide, of course subject to fulfillment of other formalities.

6. In the case on hand, the petitioner is ready to fulfil all the formalities and no third party right is involved. Supply of electricity is only for the benefit of the temple and not in any individual capacity or for individual interest. Therefore, the respondents are directed to provide electricity connection for the petition mentioned temple as sought for by the petitioner immediately.



WEB COPY

W.P.(MD)No.10179 of 2020

7.This Writ Petition is allowed accordingly, No costs.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rm

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 Superintending Engineer,
Paramankurichi,
Thiruchendur Taluk,
Tuticorin District.

2.The Designated Engineer AE/ O&M,
Paramankurichi,
Thiruchendur Taluk,
Tuticorin District.

+1 CC to Mr.S.PARTHASARATHY, Advocate SR-16166.

W.P. (MD)No.10179 of 2020

07.09.2020

CS (14.09.2020) 3P 4C