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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.09.2021

CORAM:

THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

W.P. No. 4545 and 4450 of 2021

K.Sivakumar .. Petitioner in W.P.No.4545/2021

K.Durairaj .. Petitioner in W.P.No.4450/2021

Vs

1. The Chairman
Tamil Nadu Generation and Distribution Corporation
TANGEDCO
Anna Salai, Chennai 600 002.
2. The Assistant Engineer,
Pozhichalur Distribution Circle
(TANGEDCO)
Having office at Pammal
Chennai-600 075.
- 3.K.Shanmugavel
Managing Hereditary Trustee
Arulmighu Agastheeswarar Temple
Pozhichalur Chennai- 600 074
..Respondents in both W.Ps.

Prayer in W.P.No.4545/2021: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents 1 and 2 to provide low tension electricity service connection application (Receipt No.311-10/20-948 dated 08.10.2020 to the petitioner's residence at Plot No.3A Agastheeswarar Nagar, 8th street, comprised in S.No.176/1 Pozhichalur Village, Tambaram Taluk, (at present Pallavaram Taluk) Kanchipuram District, within a reasonable period in the event of the petitioner complies with the conditions stipulated in clause 27(4) of the Tamil Nadu Electricity Code.

Prayer in W.P.No.4450/2021: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents 1 and 2 to provide low



tension electricity service connection application (Receipt No.311-08/20-693 dated 14.08.2020 to the petitioner's residence at Plot No.10 comprised in S.No.90, Pozhichalur Village, Shanmugam Street, Mover Nagar (at present Pallavaram Taluk), Kancheepuram District within a reasonable period in the event of the petitioner complies with the conditions stipulated in clause 27(4) of the Tamil Nadu Electricity Code.

For Petitioner : T.Ramesh
for Mr.K.Venkatesan
For Respondent : Mr.L.Jai Venkatesh
Standing counsel for R1 & R2
Mr.K.Shanmugavel
appeared in person (R3)

O R D E R

The issue involved in both the writ petitions are common and hence, they are taken up together, heard and disposed of through this common order.

2.The issue involved in both the writ petitions pertains to the lease agreement between the petitioner and the third respondent through which the petitioners have become the lessee in the subject property. When the petitioners made an attempt to get service connection from the TANGEDCO, the same was not considered on the ground that objections were given by the Executive Officer, who was appointed for the Temple. Aggrieved by the same, these two writ petitions have been filed before this Court.

3.Heard the learned counsel for the petitioners, the learned standing counsel for the respondents 1 and 2 and the third respondent appeared in person.

4.It is seen from the records that there is a pending dispute between the third respondent and the HR&CE department in O.S.No.118/2008 on the file of the Principal District Munsif Court, Alandur. In the said suit, the third respondent has also obtained an order of interim injunction restraining the HR&CE department from interfering with the affairs of the Temple. The third respondent claims to be the hereditary trustee of the temple. It is also seen from records that some third party also filed a suit before the civil Court restraining the department from giving any service connection and the said suit was also dismissed for non prosecution by judgment and decree dated 02.12.2011.



5. It is also seen from records that the property tax is assigned in the name of the petitioners and the third respondent has also given no objection for providing service connection to the petitioners. That apart, service connection has been given to another lessee, who is similarly placed like the petitioners and who is also the lessee under the third respondent.

6. Taking into consideration the facts and circumstances of the case and also the pending dispute between the third respondent and the HR&CE department, this Court is inclined to issue appropriate directions to the second respondent.

7. The petitioners are directed to make a fresh on-line application before the second respondent seeking for service connection. The second respondent, on receipt of the same, shall ensure that the petitioners are in possession of the property and shall process the application by getting the necessary indemnity bond from the petitioners and also shall direct the petitioners to comply with all the conditions as stipulated under Section 27(4) of the Tamil Nadu Electricity Distribution Code. The second respondent shall complete the process within a period of four weeks from the date of receipt of a copy of this order. It is also made clear that the service connection that is given to the petitioners cannot be taken to be a recognition of the right of the third respondent over the temple and the dispute between the HR&CE department and the third respondent will be independently dealt with on its own merits and in accordance with law.

8. These writ petitions are disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

RR

To

1. The Chairman
Tamil Nadu Generation and Distribution Corporation
TANGEDCO
Anna Salai,
Chennai 600 002.



2. The Assistant Engineer,
Pozhichalur Distribution Circle
(TANGEDCO)
Having office at Pammal
Chennai.

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+1cc to Mr.L.Jai Venkatesh, Advocate Sr No.45261
+2ccs to Mr.K.Venkadesan, Advocate Sr No.45083

W.P.Nos.4545 and 4450 of 2021

SSD (CO)
PR (27/09/2021)