



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 31.01.2022
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.8556 of 2019

Hasan Raja Mosque, Darga and Burial Ground Waqf
Ward No.6, Big Hasanpura Hamlet of Veppur Village,
Arcot Post,
rep.by its Hereditary Muthawalli
Syed Peer Sha Mohideen Khader @ S.P.Sha,
having office at
Bhadhur Sha Masjid Complex,
Sainathapuram,
Vellore.

... Petitioner

Vs.

1.The Tamil Nadu Waqf Board,
rep.by its Chief Executive Officer,
No.1, Jaffer Syrang Street,
Vallal Seetha Kathi Nagar,
Mannady, Chennai 600 001.

2.The Junior Engineer,
Tamil Nadu Electricity Board,
Arcot, Vellore 632 503.
Vellore District.

3.A.Balaji

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to give electricity connection No.251-002-431 granted to the 3rd respondent after conducting due enquiry based on the notice on behalf of the petitioner dated 19.02.2019 within a stipulated time.

For Petitioner :	Ms.A.Ajimath Begam
For RR1	: Ms.C.Sangamithirai Special Government Pleader
For RR2	: Mr.Abdul Kalam Standing Counsel
For RR3	: Mr.M.Duraimurugan

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the 2nd respondent to give electricity connection No.251-002-431 granted to the 3rd



respondent after conducting due enquiry based on the notice on behalf of the petitioner dated 19.02.2019 within a stipulated time.

2. The case of the petitioner is that the petitioner Waqf owns several properties in Arcot and one such property is situated in Ward A, Block 3, T.S.NO.37, Patta No.830 measuring an extent of about 4.80 acres, Arcot Town and Taluk. The 3rd respondent is illegally occupying the Waqf property measuring an extent of 3700 sq.ft in S.No.2/2, Ward A, Block 3, T.S.NO.37, Patta No.830 measuring an extent of about 4.80 acres, Arcot Town and Taluk. During 2017, the 3rd respondent applied to the 2nd respondent for electricity service connection and thereafter, the petitioner immediately gave an objection dated 04.04.2017, stating that the 3rd respondent is the illegal occupant and further requested not to provide electricity connection to the 3rd respondent. However, the 2nd respondent without considering his objection, provided the electricity service connection to the 3rd respondent and further without giving any opportunity to the petitioner, the 3rd respondent was provided with the electricity connection. Hence the petitioner had sent a legal notice dated 19.02.2019 to the 2nd respondent seeking to disconnect the electricity connection granted to the 3rd respondent, however till date no action has been taken by the 2nd respondent. Hence this Writ Petition.

3. The learned counsel appearing for the petitioner submitted that earlier there was an eviction order against the 3rd respondent, however the 3rd respondent continues to possess the above said property and hence this Court may issue direction to the 2nd respondent to disconnect the electricity service connection granted to the 3rd respondent.

4. The learned Special Government Pleader appearing for the 1st respondent submitted that as against the eviction order passed by the 1st respondent, the 3rd respondent has filed Suits in O.S.Nos.84 of 2020 and 284 of 2020, before the District Munsif Court, Arani and it is pending before the said Court and unless the said Suits are decided between the parties, the representation made by the petitioner is not legally sustainable and hence prays for dismissal of this petition.

5. Facts in the present case is not in dispute that the petitioner Wakf is the owner of the above said property, possessed by the 3rd respondent and as against the illegal occupation, earlier there was an eviction order against him, for which, he has filed the Suits before the competent Civil Court and unless the said Suits are decided, considering the representation of the petitioner for disconnection of electricity service connection is not sustainable and hence the prayer sought for by the petitioner cannot be granted.



6. For the reasons aforesaid, this Writ Petition is dismissed. However, liberty is granted to the petitioner to initiate appropriate proceedings for disposal of the Suits pending between the parties. No costs.

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Sd/-
Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

sk

To

1.The Chief Executive Officer,
The Tamil Nadu Waqf Board,
No.1, Jaffer Syrang Street,
Vallal Seetha Kathi Nagar,
Mannady, Chennai 600 001.

2.The Junior Engineer,
Tamil Nadu Electricity Board,
Arcot, Vellore 632 503.
Vellore District.

+1 cc to Mr.M.Duraimurugan , Advocate Sr.NO. 6193

+1 cc to Government Pleader Sr.NO. 6493

W.P.No.8556 of 2019

GPL(CO)

A.SK(03/03/2022)