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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO. 40740 OF 2016

The President,
Porur Sheik Maniyam Masjid-E-Khairunisa
Muslim Jamath,
Vanagaram Main Road, Sheik Maniyam,
Chennai 116

...Petitioner

Vs

1. The Tamil Nadu Electricity Board,
Rep by its Chairman,
Anna Salai, Chennai.
2. The Assistant Engineer,
Tamil Nadu Electricity Board,
Mdauravoyal, Chennai.
3. The Tamil Nadu Wakf Board,
Rep by its Chief Executive Officer,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai -1.
4. S.Sankar

...Respondents

PRAYER :

Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the 2nd respondent to grant power connection as sought vide application NO.15733 dated 04.07.2016.

For Petitioner

:Mr.N.A.Nissar Ahmed



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For Respondents

: Mr.L.Jai Venkatesh
For TANGEDCO
[For R1 and R2]

Mr.V.Lakshmi Narayanan
[For R3]

Mr.V.Kalyanaraman
For M/s.Aiyar & Dolia
[For R4]

O R D E R

The lis on hand has been instituted to direct the second respondent to provide Electricity service connection based on the application No.15733, dated 04.07.2016.

2. The petitioner is Porur Sheik Maniyam Masjid-E-Khairunisa Muslim Jamath. The petitioner submitted an application seeking electricity service connection and was willing to pay the necessary charges as per the Regulations. The 4th respondent filed an objection for providing electricity service connection on the ground that the Grand-father of the 4th respondent was the original owner of the subject property, who purchased the property through Court auction, and the 4th respondent inherited the property by way of settlement deed. However, the petitioner also claims that the subject property belongs to the Wakf and a mosque has been constructed and everyday prayers are going on in the mosque. In view of the fact that the electricity service connection has not been provided, the petitioners are unable to perform their prayer activities and other mosque activities in a peaceful manner. The 4th respondent, though claims ownership, has not established before any Civil Court of law.

3. Contrarily, the petitioner states that they are very much in possession and enjoyment of the property for a considerable length of time and constructed a mosque and performing everyday prayers and many Muslim people of that locality are attending the mosque.

4. The learned counsel for the 4th respondent raises several objections by stating that no mosque has been constructed. However, for providing electricity connection, it is for the Electricity Board Authorities to conduct an inspection and take all necessary action. Contrarily, the benefit of electricity service connection cannot be denied merely on the objection as Clause 27(4) of the Tamil Nadu Distribution Code permits the Board authorities to provide electricity service connection on furnishing indemnity bond by the applicant. In the present



case, the petitioner states that they are in the possession of the property and such possession can be verified by conducting an inspection by the Tamil Nadu Electricity Board Authorities.

5. Regarding ownership, the 4th respondent has to approach the competent Civil Court of Law for establishing his Civil rights through documents and evidences. In the event of succeeding in the case, the 4th respondent may seek appropriate relief from the Civil Court. However, the Electricity service connection need not be denied to the petitioner as they are carrying on the mosque activities in the subject property.

6. Under these circumstances, the respondents 1 and 2 are directed to provide electricity service connection to the premises of the petitioner, if the petitioner has complied with the terms and conditions of the provisions of the Act and Rules and pay all necessary charges, within a period of four (4) weeks from the date of receipt of a copy of this order. It is made clear that the Electricity service connection to be provided in the subject premises would not confer any right to the petitioner regarding the dispute of ownership or title raised by the 4th respondent and the 4th respondent is at liberty to approach the competent Civil Court of law for establishing his Civil rights. In other words, the electricity service connection provided is subject to all further adjudication by the respective parties before the competent Civil Court of law.

7. Accordingly, the writ petition stands allowed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

nti/Bga

To

1. The Chairman,
The Tamil Nadu Electricity Board,
Anna Salai, Chennai.
2. The Assistant Engineer,
Tamil Nadu Electricity Board,
Mdauravoyal, Chennai.



3. The Chief Executive Officer,
The Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai -1.

+1cc to Mr.V.Raghavachari, Advocate, S.R.No.755
+1cc to M/s.Aiyar & Dolia, Advocate, S.R.No.452
+1cc to Mr.N.A.Nissar Ahmed, Advocate, S.R.No.379
+1cc to Mr.L.Jai Venkatesh, Advocate, S.R.No.569

W.P.No. 40740 of 2016

SMI (CO)
PM/27/01/2022