



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.18281, 18285, 18287, 18288, 18289,
18290, 18291, 18292 and 18295 of 2019

R.CHINNASAMY ... PETITIONER IN W.P.18281/2019

J.ATTHI ... PETITIONER in WP No.18285 of 2019
W/O. JAILABDEEN SITE NO. 27 DOOR NO. 74
KANCHI NAGAR 2ND STREET NALLUR TIRUPUR
641606 TIRUPUR DISTRICT

K.GUNASEKARAN ... PETITIONER in WP No.18287 of 2019
S/O. N. GANAPATHY SITE NO. 80 DOOR NO.
180/ 126 R.V.E NAGAR 7TH STREET NALLUR
TIRUPUR 641606 TIRUPUR DISTRICT

C.NATARAJAN ... PETITIONER in WP No.18288 of 2019
S/O. SIVANMALAI SITE NO. 58 59 R.V.E
NAGAR 8TH STREET NALLUR TIRUPUR 641606
TIRUPUR DISTRICT

R.MURUGAN ... PETITIONER in WP No.18289 of 2019
S/O. RAJAMANI SITE NO. 17 DOOR NO. 44
KANCHI NAGAR 2ND STREET NALLUR TIRUPUR
641606 TIRUPUR DISTRICT

N.SHAPRA ... PETITIONER in WP No.18290 of 2019
S/O. NASURUDEEN SITE NO. 17 DOOR NO. 76
KANCHI NAGAR 2ND STREET NALLUR TIRUPUR 641606,
TIRUPUR DISTRICT

P.CHELLAMMAL ... PETITIONER in WP No.18291 of 2019
W/O. PARAMASIVAM SITE NO. 20 KANCHI NAGAR
2ND STREET NALLUR TIRUPUR 641606
TIRUPUR DISTRICT

I.FARIDA ... PETITIONER in WP No.18292 of 2019
W/O. ILIYAS SITE NO. 7 DOOR NO. 7/ 8 V.S.
A NAGAR 1ST STREET NALLUR TIRUPUR 641606
TIRUPUR DISTRICT

M.IRSHAD ... PETITIONER in WP No.18295 of 2019
S/O. MOHAMED AARIF SITE NO. 22 DOOR NO. 94
KANCHI NAGAR 3RD STREET NALLUR TIRUPUR
641606 TIRUPUR DISTRICT



Vs.

1.The Assistant Electrical Engineer (O and M),
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Tamil Nadu Electricity Board,
Tiruppur Electricity Distribution Circle,
Nallur - 641 606.
Tiruppur District.

2.The Executive Officer,
Arulmighu Vishweswara Swamy Temple,
Nallur,
Tiruppur District.

3.The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Dr.Balasundaram Salai,
Coimbatore.

(R3 is impleaded as per the order
made in WMP No.20570/2019 by
GJJ on 22.08.2019)

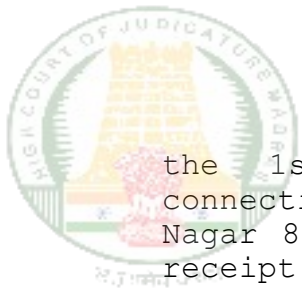
... Respondents in All WP's

Prayer in W.P.No.18281 of 2019: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent herein to grant Electricity Service connection to the petitioner's house in Site No.47, 48, Door No.34, R.V.E Nagar 8th Street, Nallur, Tiruppur - 641 606, Tiruppur District, on receipt of the application from the petitioner.

WP No.18285 of 2019: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to Directing the 1st respondent herein to grant Electricity Service connection to the petitioners house in S.F.No. 133, Site No. 27, Door No. 74, Kanchi Nagar, 2nd Street, Nallur, Tirupur 641606, Tirupur District on receipt of the application form the petitioner.

WP No.18287 of 2019: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to Directing the 1st respondent herein to grant Electricity Service connection to the petitioners house in Site No. 80, Door No. 180/ 126, R.V.E Nagar 7th Street, Nallur, Tirupur 641606, Tirupur District, on receipt of the application form the petitioner.

WP No.18288 of 2019: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to Directing



the 1st respondent herein to grant Electricity Service connection to the petitioners house in Site No. 58, 59, R.V.E Nagar 8th Street, Nallur, Tirupur 641606, Tirupur District, on receipt of the application form the petitioner.

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WP No.18289 of 2019: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to Directing the 1st respondent herein to grant Electricity Service connection to the petitioners house in Site No. 17, Door No. 44, Kanchi Nagar 2nd Street, Nallur, Tirupur 641606, Tirupur District, on receipt of the application form the petitioner.

WP No.18290 of 2019: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to Directing the 1st respondent herein to grant Electricity Service connection to the petitioners house in Site No. 17, Door No. 76, Kanchi Nagar 2nd Street, Nallur, Tirupur 641606, Tirupur District, on receipt of the application form the petitioner.

WP No.18291 of 2019: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to Directing the 1st respondent herein to grant Electricity Service connection to the petitioners house in S.F.No.133, Site No 3, Door No 3, Kanchi Nagar, Nallur, Tirupur 641606, Tirupur District, on receipt of the application form the petitioner.

WP No.18292 of 2019: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to Directing the 1st respondent herein to grant Electricity Service connection to the petitioners house in Site No. 7, Door No. 7/8, V.S.A Nagar 1st Street, Nallur, Tirupur 641606, Tirupur District, on receipt of the application form the petitioner.

WP No.18295 of 2019: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to Directing the 1st respondent herein to grant Electricity Service connection to the petitioners house in Site No. 22, Door No. 94, Kanchi Nagar 3rd Street, Nallur, Tirupur 641606, Tirupur District, on receipt of the application form the petitioner.

For Petitioners : Mr.R.Sreerangan

For Respondents : Mr.L.Jaivenkatesh for R1
Standing Counsel

Mr.S.Yashwanth for R2 and R3

Additional Government Pleader (HR&CE)



COMMON ORDER

Since the issue involved in all these writ petitions are one and the same, they are heard together and disposed of by way of a common order.

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2.The case of the petitioners is that the petitioners purchased the respective subject properties and constructed house and applied for electricity service connection to the first respondent, however, the first respondent returned their application without passing any written order and orally intimated the reason that the Executive Officer of the second respondent has objected for the same. Aggrieved by the same, the petitioners have filed these writ petitions.

3.The learned counsel appearing for the petitioners submitted that the petitioners purchased the respective subject properties by way of registered sale deed and they are in possession of the same and property tax was also assessed, however, the revenue Authorities have not muted the revenue records in the name of the petitioners. Hence, this Court may issue direction to the first respondent to re-consider the petitioners applications and to give electricity service connection.

4.Per contra, the learned Additional Government Pleader submitted that the second respondent Temple is a listed Temple under Section 46(iii) of the HR & CE Act, coming under the jurisdiction and control of the Joint Commissioner, HR & CE Department, Coimbatore. He further submitted that the Temple owns property in S.F.No.189, Site Nos.47, 48, Door No.34, R.V.E.Nagar, 8th Street, Nallur, Tiuppur and further submitted that the petitioners have encroached upon the lands belonging to the Temple and did not obtain any permission either from the Temple or from the Department before putting up the construction.

5.The learned Additional Government Pleader further submitted that the second respondent will take appropriate steps to initiate proceedings under Section 78 of the HR & CE Act to evict the illegal encroachment made by the petitioners. Since the disputed properties belong to the second respondent Temple, giving electricity service connection will adversely affect the interest of the parties.

6.The petitioners claim that they have purchased the respective subject properties by way of registered sale deed and they are in possession of the same. The second respondent claim that the disputed properties are owned by the second respondent Temple. Admittedly, the petitioners made application to the



first respondent seeking electricity service connection, however, till date no written orders were passed.

7. In view of the above, this Court, without expressing any opinion on the merits of the case, directs the first respondent to re-consider the applications made by the petitioners and to pass appropriate orders in terms of Section 27 of the Tamil Nadu Electricity Distribution Code, after affording an opportunity of hearing to the second respondent, within a period of twelve weeks from the date of receipt of a copy of this order.

8. The writ petitions are disposed of with the above direction. No costs.

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Assistant Electrical Engineer (O and M),
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Tamil Nadu Electricity Board,
Tiruppur Electricity Distribution Circle,
Nallur - 641 606.
Tiruppur District.

2. The Executive Officer,
Arulmighu Vishweswara Swamy Temple,
Nallur,
Tiruppur District.

3. The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Dr. Balasundaram Salai, Coimbatore.

+1cc to the Government Pleader, S.R.No.856

W.P.Nos.18281, 18285, 18287, 18288, 18289,
18290, 18291, 18292 and 18295 of 2019

KSM(CO)
SB(10/02/2022)