



W.P(MD)No.13331 of 2012

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.13331 of 2012

and

M.P(MD)Nos.1 and 2 of 2012

M.Devasena

... Petitioner

Vs.

1.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Madurai Region, Madurai -1.

2.The Assistant Commissioner/Executive Officer,
Arulmigu Koodalalagar Perumal Thirukoil,
Madurai-1.

3.The Assistant Electrical Engineer (Distribution),
Temple Section,
Madurai Electricity Distribution Circle/City,
Tamil Nadu Electricity Generation and
Distribution Corporation (TANGEDCO),
Madurai-625 001.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating the notice க.எண்:உமிபொ/ ப/கோவில்/பெரு/மது/வஉ/



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கோ.கட்டு/அஎண்193/12, dated 04.10.2012 issued by the third respondent and quash the same.

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For Petitioner : Mr.A.Thirumurthy
For Respondents : Mr.M.Lingadurai
Special Government Pleader (for R1)
Mr.S.Manohar (for R2)
Mr.S.Denadhayalan
Standing Counsel (for R3)

ORDER

The present writ petition has been filed challenging a notice issued by the third respondent herein, under which they attempted to disconnect the electricity service connection of the petitioner at the instance of the second respondent herein.

2.According to the petitioner, she has been a tenant of the second respondent temple. Since eviction proceeding has been initiated by the second respondent as against the petitioner, the second respondent temple has been insisting with the third respondent Electricity Board to disconnect the service connection of the petitioner. Based upon the request made by the second respondent temple, the present impugned



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notice has been passed, under which they have proposed to permanently disconnect the electricity service connection.

3. According to the learned counsel for the petitioner, the second respondent temple has initiated ejectment proceeding in O.S.No. 629 of 2012 before the District Munsif Court, Madurai Town. The said suit was decreed and execution proceeding has been initiated by the second respondent herein in E.P.No.39 of 2021. When a tenant is in possession of the property as per the lease agreement with the second respondent temple, the amenities cannot be disconnected or discontinued at the instance of the second respondent temple till the petitioner is evicted under due process of law. Hence, the second respondent temple will not be legally entitled to seek disconnection of electricity service connection of the writ petitioner while the execution proceeding is still pending.

4. In view of the aforesaid discussion, this Court passes the following order:



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“ (i) *the impugned notice in க.எண்:உமிபொ/ப/கோவில்/பெரு/மது/வஉ/கோ.கட்டு/அஎண்193/12, dated 04.10.2012 is set aside;*

(ii) the service connection of the petitioner's premises shall not be disconnected till the petitioner is evicted through execution proceeding as stated above;

(iii) the learned I Additional District Munsif, Madurai Town, is directed to dispose of E.P.No.39 of 2021 on or before 31.12.2022 and report the same to the Registry of this Court. ”

5.The Writ Petition stands **allowed** with the aforesaid observations. No costs. Consequently, connected Miscellaneous Petitions are closed.

03.08.2022

Index : Yes / No

Internet : Yes / No

Rmk

To

1.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Madurai Region, Madurai -1.

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R.VIJAYAKUMAR ,J.

Rmk

Order made in
W.P(MD)No.13331 of 2012

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03.08.2022