



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2022

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P(MD).No.16009 of 2020
and W.M.P.(MD).No.13423 of 2020

WEB COPY

Arulmigu Kalyanasundareshwarar Temple,
Melur, Madurai District through its
Executive Officer

.. Petitioner

Vs.

1.The Assistant Executive Engineer / Rural,
Tamil Nadu Electricity Board / TANGEDCO,
Melur, Madurai District.

2.The Assistant Electrical Engineer / Rural,
Tamil Nadu Electricity Board / TANGEDCO,
Melur, Madurai District.

3.P.Ganesh Pandian

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 and 2 not to grant any electricity service connection considering the representation of the petitioner in respect of the property of the petitioner in Madurai District, Melur Village, S.No.185/8 measuring 0.44 ½ cents.

For Petitioner	:	Mr.S.Manohar
For Respondents	:	Mr.S.Deenadhayalan for R1 and R2 Standing Counsel Mr.M.Ajmal Khan Senior Counsel for M/s.Ajmal Associates for R3

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the first and second respondents not to grant any electricity service connection, considering the representation of the petitioner in respect of the property of the petitioner in Madurai District, Melur Village, S.No.185/8 measuring 0.44 ½ cents.

2.According to the petitioner, the aforementioned property belongs to the petitioner temple having got the same under settlement deed dated 30.08.1935. However, it is the contention of the third respondent, who has applied for electricity service connection that the aforementioned property is absolutely owned by him, he having got the same under a sale deed dated 21.11.2017,



registered as document No.4401/2017.

3. Admittedly, the sale deed dated 21.11.2017 executed in favour of the third respondent has not been challenged by the petitioner temple before a competent Civil Court. The only relief they have sought for in this writ petition is that the third respondent cannot seek electricity service connection for the subject property as it is owned by the petitioner temple. Unless a competent Civil Court declares the sale deed to be null and void, the relief sought for in this writ petition cannot be granted.

4. Further, the sale deed executed and registered in favour of the third respondent is of the year 2017, whereas, the writ petition has been filed only in the year 2020 after a lapse of almost three years. There are several disputed questions of fact involved as seen from the affidavit filed by the petitioner as well as the counter affidavit filed by the third respondent, who will be aggrieved by any order passed in favour of the petitioner in this writ petition.

5. After giving due consideration of the same, since there are disputed questions of fact involved and that too when the sale deed dated 21.11.2017 standing in the name of the third respondent has not been challenged by the petitioner till date before the competent Civil Court, this Court is of the considered view that the relief sought for in this writ petition i.e., to direct the respondents 1 and 2 not to grant electricity service connection to the petitioner, cannot be granted at this stage.

6. For the foregoing reasons, at this stage, this Court does not find any merit in the writ petition filed by the petitioner temple and this writ petition is disposed of by granting liberty to the petitioner to challenge the sale deed, dated 21.11.2017 executed in favour of the third respondent before a competent Civil Court. In the meanwhile, it is made clear that the respondents 1 and 2 shall process the application filed by the third respondent seeking electricity service connection for the subject property and grant the same to the third respondent, if the third respondent has satisfied all other statutory requirements for getting the electricity service connection, without insisting upon any No Objection Certificate from the petitioner temple. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (W)

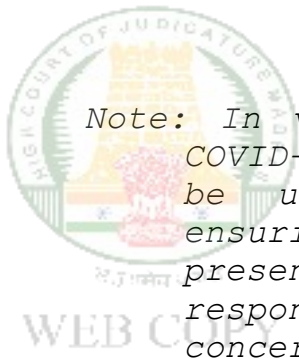
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/ /2022

Sub Assistant Registrar (CS)

TM

<https://hcservices.ecourts.gov.in/hcservices/>



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Assistant Executive Engineer / Rural,
Tamil Nadu Electricity Board / TANGEDCO,
Melur, Madurai District.
- 2.The Assistant Electrical Engineer / Rural,
Tamil Nadu Electricity Board / TANGEDCO,
Melur, Madurai District.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-7678[F] dated 22/02/2022)

+1 CC to M/s.S.MANOHAR, Advocate (SR-7718[F] dated 22/02/2022)

+1 CC to M/s.S.DEENADHAYALAN, Advocate (SR-7859[F] dated 22/02/2022)

W.P(MD) .No.16009 of 2020
21.02.2022

CK(CO)
KB(09.03.2022) 3P 6C