



W.P.(MD)No.27363 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.12.2022

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P.(MD)No.27363 of 2022

and

W.M.P.(MD)Nos.21458 and 21461 of 2022

S.Zakir Hussain Bigili

...Petitioner

Vs.

1.The Executive Engineer,
TANGEDCO-Urban,
Tirunelveli.

2.The Chief Executive Officer /Estate Officer,
Tamil Nadu Wakf Board,
Chennai.

3.The Assistant Engineer,
TANGEDCO-Urban,
Palayapettai,
Tirunelveli Town.

4.The Junior Engineer,
TANGEDCO-Urban,
Palayapettai,
Tirunelveli Town.

5.The Superintendent of Wakf,
Wakf Board, Tirunelveli.

...Respondents



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PRAYER : Writ Petitions filed under Article 226 of the constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned order in K.No.E.Ni.Po/Napo/Palayapettai/ko/A.No. 119/21-22, dated 01.10.2022 of the fourth respondent and quash the same as illegal and directing the fourth respondent to issue EB Connection in the name of Murthu Jahan Thaikka, the property situated in Tirunelveli District, Tirunelveli Town, Thottipalam Street, Ward-6, Blcok-17 & 21 in T.S.No. 1782, 1784, 1785, 2591/1, 2, 2592, 2593/1, 2.

For Petitioner : Mr.R.M.Suresh
For RR1, 3 & 4 : Mr.Deenadhayalan
Standing Counsel
For R2 & R5 : Mr.S.A.Ajmal Khan

ORDER

Heard Mr.R.M.Suresh, Learned Counsel for the Petitioner, Mr.Deenadhayalan, Learned Standing Counsel for the First, Third and Fourth Respondents and Mr.S.A.Ajmal Khan, Learned Counsel for the Second and Fifth Respondents and perused the materials placed on record, apart from the pleadings of the parties.



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2. The Petitioner challenges the proceedings in K.No.E.Ni.Po/Napo/Palayapettai/ko/A.No.119/21-22, dated 01.10.2022 issued by the Fourth Respondent refusing to grant electricity service connection to the Petitioner for the property situated in Tirunelveli District, Tirunelveli Town, Thottipalam Street, Ward-6, Blcok-17 & 21 in T.S.No. 1782, 1784, 1785, 2591/1, 2, 2592, 2593/1, 2, as it belongs to waqf.

3. It is represented by Learned Counsel for the Petitioner that the Petitioner will make a fresh application for electricity service connection in the name of the concerned waqf and he has also made an endorsement to that effect.

4. Learned Counsel appearing for the Second and Fifth Respondents, on instructions, states that if such application is made to the Second Respondent, the request for grant of 'No Objection Certificate' would be considered for providing electricity connection in accordance with law.



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5. In view of the foregoing discussion, this court without expressing any view on the merits of controversy involved, passes the following order:-

- (i) the Petitioner shall submit a fresh application for electricity service connection in the name of the concerned waqf to the Second Respondent;
- (ii) it shall be incumbent upon the Second Respondent to immediately examine such application made by the Petitioner including ascertaining as to whether the Petitioner would be entitled to such benefit claimed;
- (iii) if any other details or supporting documents are necessary, the deficiencies in that regard shall be informed in writing by the Second Respondent to the Petitioner requiring the same to be furnished within 2 clear working days from the date of its receipt by him;
- (iv) an enquiry shall be conducted thereafter affording full opportunity of personal hearing to the Petitioner to explain his position in that regard;



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(v) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated under written acknowledgment; and

(vi) the Second Respondent shall file report of such compliance before the Registrar (Judicial) of the Court.

In the result, the Writ Petition is disposed on the aforesaid terms. Consequently, connected Miscellaneous Petitions are closed. No costs.

13.12.2022

Index : Yes/No
Internet : Yes/No

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Note : Issue copy of the order by 26.12.2022



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P.D.AUDIKESAVALU,J.

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To

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