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W.P.No.8191 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2023

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THE HON'BLE MR. JUSTICE C. V. KARTHIKEYAN

Writ Petition No.8191 of 2021
and
W.M.P.Nos.8745 & 8748 of 2021
and
W.M.P.No.21673 of 2022

Syed Sahib Basha

... Petitioner

Versus

1. The Assistant Engineer,
Tamil Nadu Electricity Board,
Nagar Extension-II, Gudiyattam,
Vellore District.
2. The Junior Engineer,
O & M/Urban-II/TANGEDCO,
Gudiyattam, Vellore District.
3. Syed Shah Vajiyuddin Avuliya Mosque & Dharga,
Rep by its Muthavalli,
Thalayatham, Gudiyattam,
Vellore District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to impugned letter issued by the 2nd respondent in Na.Ka.No.196/2020 dated 29.11.2020 and to quash the same and consequently, direct the 1st and 2nd respondents to provide the electricity connection to the petitioner's property situated at No.35/12, Bade Sahib



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Street, Thalayatham, Gudiyattam, Vellore District, comprised in Survey No.792/5, ad measuring an extent of 2.55 cents within a time frame as fixed by this Court.

For Petitioner : Mr.R.Abdul Mubeen

For R1 & R2 : Mr.S.Madhusudanan
Senior Counsel for TNEB

For R3 : Mr.M.Mohanamurali

ORDER

The Writ Petition has been filed in the nature of a Writ of Certiorarified Mandamus seeking the records relating to a letter issued by the 2nd respondent/the Junior Engineer (Operation and Maintenance)/ Urban-II/TANGEDCO in Gudiyattam in Vellore District and to quash the same and to direct the 1st and 2nd respondents, the Assistant Engineer, Tamil Nadu Electricity Board, Nagar Extension-II, Gudiyattam in Vellore District and the Junior Engineer (O&M), Urban-II, TANGEDCO, Gudiyattam in Vellore District to provide electricity connection to the property of the petitioner at No.35/12, Bade Sahib Street, Thalayatham, Gudiyattam in Vellore District in Survey No.792/5, measuring about 2.55 cents.



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2. The title of the property is mired with controversy. There is a Dharga. There is a Mosque. It is called Syed Shah Vajiyuddin Avuliya Mosque and Dharga. The petitioner had impleaded the Muthavalli of the said Mosque and Dharga. The petitioner claims that he is the Imam of the said Mosque and further claims that his right has also been recognized.

3. At any rate, the petitioner is in physical possession in a portion of the aforementioned property. There is also electricity connection which has already been granted and the petitioner is using the electricity connection. Within the same compound, since the petitioner's son, having got married, is residing in a separate portion. The present Writ Petition has been filed seeking separate electricity connection for that particular portion.

4. This is objected by the 3rd respondent. It is also incidentally objected by a third party, Syed Moinuddin, who had filed W.M.P.No.21673/2022 to implead himself as the 4th respondent. They both claim that they have a right over the property and therefore the petitioner by filing this petition cannot enlarge the right which he has or which he seeks or which according to them surreptitiously seeks to enlarge.



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5. Let me make it very clear that this Court is not entering into any discussion about the title of the property or about who is the Muthavalli or recognized as Muthavalli of the Mosque and Dharga.

6. The Court is not entering into any discussion whether it is a private wakf or not.

7. The fact remains that the petitioner is residing in a portion and for that particular portion there is an electricity connection. The fact is also that the petitioner's son had got married and he is residing in another portion within the same compound. The petitioner seeks electricity connection for that particular portion.

8. In view of the fact that there are disputes and objections raised for grant of service connection, the Court holds that the petitioner can put a sub meter in the portion where the son resides and from the portion where he resides, electricity can be drawn to the portion where the son resides and the electricity Department can collect necessary charges for the consumption of electricity in the two portions.



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9. It is made very clear that the title of the petitioner or of the son or of the 3rd respondent or of Syed Moinuddin, who had filed W.M.P.No.21673/2022 are not examined and not decided by this Court. The Court is interested only in grant or otherwise of service connection and instead of granting separate connection, extension can be given to the existing service connection by putting up a sub meter and electricity can be provided to the portion, where the son resides.

10. In view of this particular adjudication, though a petition has been filed for impleading, without again entering into any discussion about whether the said applicant has any right or not, I do not think that owing to the nature of the order passed, the said applicant is required as a necessary party. But again, let me also state that the rights of the parties are not discussed in the course of this Writ Petition. The impleading petition is not required and therefore this W.M.P.No.21673/2022 is dismissed. The word dismissed would not mean that the petitioner therein cannot claim any right. He can always claim whatever right he has, in the appropriate forum and in appropriate proceedings.

11. Recording as above, the Writ Petition stands disposed of. The



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said arrangement of putting up a sub meter and drawing of line and providing electricity connection to the portion where the son resides, can be completed on or before 31.01.2023.

09.01.2023

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Index : Yes/No

Internet : Yes/No

To :

1. The Assistant Engineer,
Tamil Nadu Electricity Board,
Nagar Extension-II, Gudiyattam,
Vellore District.
2. The Junior Engineer,
O & M/Urban-II/TANGEDCO,
Gudiyattam, Vellore District.

C. V. KARTHIKEYAN,J.



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