



W.P.No.5992 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2023

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.5992 of 2018

and

WMP.No.7373 of 2018

Syed Nymuddin (Died)

Syed Moinuddin

Trustee and Muttawalli for Mosque and Dargha and Burial Ground,
No.2-D, Bade Sahib Street,
Thalayatham, Gudityattam,
Vellore (DT).

...Petitioner

(Petitioner substituted vide order dated 07.09.2022 made in
WMP.No.22395 of 2022 in W.P.No.5992 of 2018.)

Vs.

1. The Junior Engineer,
Urban II, TNEB,
Santhapet, Gudiyatham,
Vellore District.
2. The Assistant Engineer,
V.O.C. Street, Nadupet,
Gudiyatham, Vellore District.
3. The Divisional Engineer,
Raguram Theatre,
Melpatti Road, Gudiyatham,
Vellore District.



W.P.No.5992 of 2018

4. Sowkath Ali
5. Mrs.Kairunisha
6. Abdulla Basha
7. Sirajinnisa
8. Allah Bhagash
9. Aasia
10. Shama
11. Rasul
12. Shakeel
13. A.V.Kovar Nisha
14. Noorjahan

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the Respondents 1 to 3 to consider the representation dated 05.03.2018.

For Petitioner : Mr.M.M.I.Khaleel
for M/s.Ajmath Begum

For Respondents : Mr.L.Jaivenkatesh, for R1 to R3

ORDER

The petitioner has filed this Writ petition seeking issuance of a Writ of Mandamus to direct the respondents 1 to 3 to consider the petitioner's representation dated 05.03.2018.

2. The case of the petitioner is that, the property comprised in Town Survey Nos.792/5 and 792/6 belong to private hereditary Wakf of the



W.P.No.5992 of 2018

petitioner family. While so, the 4th respondent made illegal attempts to encroach the said property and insisted some of the tenants/trespassers in the said property to file a Writ petition before this Court in W.P.Nos.19654 to 19663 of 2017 by impleading himself as Muthawalli of the Syed Sha Vajiuddin Avulia Dharga Mosque and Burial ground and secured an order directing the official respondents to consider the claim of the petitioners therein for providing Electricity service connection to their premises. Therefore, the petitioner made a representation dated 05.03.2018 before the respondents, objecting grant of Electricity Service connection in subject property in favour of the private respondents. However, till date, no orders have been passed on the said representation. Hence, this petition.

3. Heard learned counsel on either side and perused the materials placed on record.

4. Though the petitioner has come up with this Writ petition seeking to direct the respondents 1 to 3 to consider and pass orders on the his representation dated 05.03.2018, objecting for effecting Electricity service connection in favour of the private respondents, however, when this Court



W.P.No.5992 of 2018

expressed its opinion that the issue involved in this Writ petition is purely Civil in nature and the same cannot be entertained under Article 226 of the Constitution, the learned counsel for the petitioner restricted his prayer and sought for liberty to workout the remedy in the manner known to law. Learned counsel appearing for the respective respondents have no objection for granting the above said liberty sought for by the petitioner.

5. In view of the above submission made by the learned counsel for the petitioner, this Writ Petition stands disposed of with a liberty to the petitioner to workout the remedy in the manner known to law. No costs. Consequently, connected Miscellaneous petition is closed.

06.03.2023

skt

Speaking Order : Yes/ No

Index : Yes/ No

To

1. The Junior Engineer,
Urban II, TNEB,
Santhapet, Gudiyatham,

4/6



W.P.No.5992 of 2018

Vellore District.

2. The Assistant Engineer,
V.O.C. Street, Nadupet,
Gudiyatham, Vellore District.
3. The Divisional Engineer,
Raguram Theatre,
Melpatti Road, Gudiyatham,
Vellore District.

M.DHANDAPANI., J.

skt

W.P.No.5992 of 2018
and
WMP.No.7373 of 2018



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W.P.No.5992 of 2018

06.03.2023