



WEB COPY



W.P.No.13131 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.13131 of 2023

Sri Veera Anchaneyar Thirukovil
represented by V.Srinivasan,
S/o.J.Viswanathan,
President,
Ahila Bharatha Hindu Maha Sabha,
No.5/267/9, Balaji Nagar, Christianpettai,
Katpadi, Vellore District.

... Petitioner

Vs.

1.The Assistant Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.
Vallimalai Road,
Katpadi,
Vellore District.

2.The Executive Engineer,
Katpadi EE,
Tamil Nadu Generation and Distribution Corporation Ltd.
10th East Main Road,
Gandhi Nagar,
Vellore-632 007.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to effect electric



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service connection to the petitioner Temple in pursuance to application No.200082120323406 and Receipt No.PGNINB37139558 for a sum of Rs.5,086/- dated 21.03.2023 forthwith.

For Petitioner : Mr.C.Munusamy

For Respondents : Mr.S.Madhusuthanan

ORDER

This Writ Petition has been filed seeking for a Writ of Mandamus, to direct the respondents to effect electric service connection to the petitioner Temple in pursuance to application No.200082120323406 and Receipt No.PGNINB37139558 for a sum of Rs.5,086/- dated 21.03.2023 forthwith.

2. Mr.S.Madhusuthanan, learned Standing Counsel accepts notice for the respondents. In view of the consent expressed by the learned counsel appearing on either side, this petition is taken up for final disposal.

3. It is the case of the petitioner that, it is a temple namely Sree Veera Anjaneyar Thirukovil, which is situated in Survey No.2/1, Kasam, Pallikuppam Village, Katpadi Taluk and the deity is located in the land leased out to a Christian Missionary namely American Arcot Mission, Vellore in the year 1924



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itself by the then Government. During the efflux of time, the land was not used for the purpose for which it was originally intended at the time of granting the lease. Now, a Christian Association, namely the Church of South India Trust Association claims to be in possession of the property.

3.1. It is the further case of the petitioner-Temple is that, during July 2021, there was dispute between the said association and the petitioner temple, for which, they approached the RDO to remove the obstacles that were created by the said Association. The RDO has conducted a detailed enquiry and passed an order on 23.08.2021. If the said Association has any grievance, there is an appeal remedy available to them, however, they have filed a writ petition challenging the order of RDO and the same is pending before this Court and no interim order was granted in favour of the said Association.

3.2. Further, the devotees are worshiping the deity without any hindrance, however, they find it very difficult during the special pooja days without electricity. Hence, the petitioner applied for temporary service connection before the respondents on 17.03.2023 along with all the necessary



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certificates issued by the Tahsildar, Katpadi. Pursuant to which, they have inspected the premises of the petitioner-Temple and directed the petitioner-Temple to pay the statutory amount for effecting temporary service connection and to give an indemnity bond and also, to pay a sum of Rs.5,086/-. Though the petitioner-Temple has complied with the same, the respondents have not effect any service connection to the petitioner-Temple. Hence, the petitioner has filed the above writ petition for appropriate directions.

4. Though very many grounds have been raised in the present writ petition, learned counsel for the petitioner submits that, it would suffice, if this Court issues a direction to the respondents to effect temporary service connection to the petitioner-Temple by considering the application dated 17.03.2023 and payment receipt dated 21.03.2023, within a time frame that may be fixed by this Court.

5. On the above contentions, heard learned Standing Counsel appearing for the respondents and perused the materials placed before this Court.



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6. Considering the facts and circumstances of the case, this Court, without going into the merits of the case, directs the 1st respondent to consider the petitioner-Temple's application dated 17.03.2023 and pass appropriate orders, on merits and in accordance with law, upon satisfaction of the title owned by the petitioner-Temple, within a period of four (4) weeks from the date of receipt of a copy of this order.

7. This Writ Petition is accordingly disposed of. No costs.

26.04.2023

NCC: Yes / No

Index : Yes / No

Speaking Order : Yes / No

(rap)

To

1. The Assistant Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.
Vallimalai Road,
Katpadi,
Vellore District.



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M.DHANDAPANI,J.,

rap

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Katpadi EE,
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