



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2023

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.35228 of 2022

and

W.M.P.No.34690 of 2022

Hazarath Syed Sadik Volliyullah,
Dharga & Mosque Trust Rep.,
by its Managing Trustee,
Mr.S.Ajaz,
Nos.498 & 499, Syed Sadiq Nagar,
Mangadu, Chennai – 600 122.

.. Petitioner

Vs.

The Assistant Engineer,
Tamil Nadu Electricity Generation and
Distribution Corporation, O & M,
Se.Ml.Pa.Taluk (South), Mangadu Division,
Mangadu, Chennai – 600 122.

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to give electricity connection to the various tenants / lessees of the trust property situated at Mangadu comprised in Survey No.101/1A, 111, 101/3 under the name of managing trustee of the trust by obtaining no objection certificate from the petitioner trust.



For Petitioner

.. Mr.M.J.Jaseem Mohamed

For Respondent

.. Mr.L.Jai Venkatesh,

Standing Counsel.

ORDER

This Writ Petition has been filed in the nature of Mandamus seeking a direction to the respondent / Assistant Engineer, Tamil Nadu Electricity Generation and Distribution Corporation, O&M, Mangadu Division, Chennai – 600122 to give electricity connection to various tenants / lessees of the trust property situated at Mangadu in S.Nos.101/1A, 111, 101/3 under the name of Managing Trustee of the Trust by obtaining no objection certificate from the petitioner trust.

2. There appears to be an issue over the title of the property. The petitioner claims that the property for which electricity connection sought is not a Wakf property. However, a representation is made that the property is Wakf property. This Court sitting in writ jurisdiction cannot examine that particular aspect, namely, whether the property belongs to a Wakf or not. If any property is to be declared as Wakf property, then the Wakf Tribunal is the competent authority to decide the same.



3. It is represented that the Wakf Board will have to be heard prior to grant of any electricity connection. The learned counsel for the petitioner however, places reliance on the information obtained under the Right to Information Act, and in that particular information, it is stated that the property is not a Wakf property.

4. The issue now in the present writ petition is with respect to grant of electricity connection for the tenants, who come to occupy the various portion.

5. If any tenant, comes to occupy the premise on a valid lease deed and is put in possession, necessary application for electricity connection may be forwarded to the respondent and I am confident that the respondent would act in accordance with law and grant electricity connection after obtaining undertakings in accordance with their rules and regulations. Merely because the electricity connection is granted, the nature of property will not change. The dispute relating to the property can be settled only before the Wakf Tribunal. Necessary further undertaking may also be obtained from the tenants that if at all the property is determined as Wakf



property by any competent authority, then the tenants would suffer the consequence thereof, since the Wakf Board had not granted permission and has raised objection for grant of such electricity connection.

6. These are issues exclusively within the purview of the respondent. The Writ Court can only pass a direction calling upon the respondent to act in accordance with the rules and regulations. Let the petitioner and also Wakf Board be heard before taking any decision for grant of electricity connection by the respondent, which decision should be taken within a period of eight weeks from the date of receipt of application.

7. With the above observations, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

03.01.2023

Index: Yes/No
Internet: Yes/No
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The Assistant Engineer,
Tamil Nadu Electricity Generation and
Distribution Corporation, O & M,
Se.Ml.Pa.Taluk (South), Mangadu Division,
Mangadu, Chennai – 600 122.

C.V.KARTHIKEYAN,J.



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