



W.P.(MD)No.278 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.10.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.278 of 2021

and

W.M.P.(MD).Nos.218 & 6060 of 2021

K.Ramasubramanian

... Petitioner

Vs.

- 1.TANGEDCO, Tirunelveli Region,
Represented by
the Chief Engineer, Tirunelveli.
- 2.The Divisional Engineer,
TANGEDCO,
Puliyangudi Tenkasi District.
- 3.The Assistant Executive Engineer,
TANGEDCO, Puliyangudi,
Tenkasi District
- 4.The Puliyangudi Municipality,
Rep. By, the Municipal Commissioner,
Municipal Office,
Subramaniasamy,
South North Street,
Puliyangudi-627 855.



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5.M.Gandhimathi

6.Pitchaiah

7.Natarajan

8.Muneeswaran

9.Mariappan

10.R.N.Anand

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the respondents 1 to 4 from granting any building plan approvals or permitting any construction or providing electricity connection for the properties in S.Nos.1000/1, 1000/2, 1000/4, 1001/1, 1064, 1065/7, 1065/10, 1019, 1020/2, 1020/6, 999/3 and 1065/11 situated at Chinthamani Village, Kadayanallur Taluk, Tenkasi District belonging to Arulmigu Shri Raja Rajeshwari Temple and Bajanaai Madam at Chinthamani Village.

For Petitioner : Mr.H.Lakshmi Shankar

For R-1 to R-3 : Mr.T.Dheenadhayalan,
Standing Counsel

For R-4 : Mr.M.Rajarajan

For R-5 : Mr.Jothibasu

For R-6 to R-9 : Mr.Saravanakumar



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For R-10

: Mr.Sasikumar

ORDER

This Writ Petition has been filed for the issue of writ of mandamus forbearing the respondents 1 to 4 from granting any building plan approval or permitting any construction or providing electricity connection with respect to the subject properties.

2. The case of the petitioner is that the subject properties belongs to the Temple and the Bajanai Madam. The grievance of the petitioner is that the private parties have dealt with these properties and various documents were registered and as a consequence, applications are submitted seeking for planning approval and for giving electricity connection. In view of the same, the petitioner made a representation to respondent Nos.1 to 4 not to grant any planning permission or electricity connection with respect to these applications pertaining to the subject properties. Since the same was not considered, the present Writ Petition has been filed before this Court.



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3. Heard the learned counsel on either side.

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4. In the considered view of this Court, the order passed by this Court in W.P.(MD).No.250 of 2021 dated 10.10.2023 will have a bearing in the present Writ Petition. Neither the Electricity Department nor the Municipality will be able to get into the title to the property. They will merely go by whatever title document is available and the patta that is standing in favour of the respective private parties. If, according to the petitioner, the documents have been registered and the pattas have been issued to the private parties without any right or title, the petitioner has to seek for an appropriate relief before the appropriate forum to establish that the Temple and the Bajanai Madam have the right and title over the subject property. Unless and otherwise, there is any restraint order passed against the Municipality and the Electricity Department, they cannot refuse to entertain the applications for grant of planning approval and for providing electricity connection. In view of the same, the relief sought for by the petitioner cannot be granted by this Court. The petitioner can take cue from this order and shall work out his remedy in the manner known to law.



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5. This Writ Petition is disposed of in the above terms. No

costs. Consequently, connected miscellaneous petitions are closed.

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NCC:yes/no
Index:yes/no
Internet:yes/no
tsg



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N.ANAND VENKATESH, J.

tsg

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