



W.P.No.28917 of 2023 and batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.Nos.28917, 28987, 29015, 28401, 28410, 28402, 28415, 29030,
29197, 31291, 31711, 31202 & 32774 of 2023 & 180 of 2024

and

W.M.P.No.28509, 28555, 28593, 27952, 27959, 27953, 27962, 28614,
28796, 30897, 31343, 30831 & 32396 of 2023 & 193 of 2024

**[W.P.No.28917 of 2023
W.M.P.No.28509 of 2023]**

Rajaguru

... Petitioner

Vs.

1. The Executive Engineer,
The Tamil Nadu Generation And
Distribution Corporation Ltd,
(TANGEDCO), Ambattur Estate,
Chennai-600 053.

2. The Assistant Engineer,
Operation And Maintenance,
TNEB Board, Ayanambakkam,
Chennai-600 095.

3. The Executive Officer,
Karivaradha Perumal Kovil,
Ethishwaran Kovil Street,
Melayanambakkam,
Chennai.95.



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4. The Joint Commissioner,
Hindu Religious And Charitable Endowments Department,
Chennai.

(R3 and R4 are suo motu impleaded as per order dated 06.10.2023 made
in WP.28917/2023 by Dr.ASMJ) ...Respondents

Prayer in W.P.No.28917 of 2023:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the entire records pertaining to the order in Ref. No. 200094360823287 dated 02.08.2023 passed by the 2nd respondent as illegal violative and against the Rule 27 Tamil Nadu Electricity Code 2004 and quash the same and consequently to direct the respondents to provide service connection to the petitioner's residential premises at No. 36, Ethishwaran Kovil 2nd Cross Street, Melayanambakkam, Chennai-600 095.

For Petitioners in all W.Ps. : Ms.V.Ananthi

For Respondents in all W.Ps. :
(for R1 & R2) : Mr.L.Jai Venkatesh,
Senior Counsel for TANGEDCO;

(for R3 & R4) : Mr.K.Karthikeyan,
Government Advocate (HR & CE)

COMMON ORDER

Admittedly, the petitioner have encroached upon the Temple property belongs to Karivaradha Perumal Kovil, Ethishwaran Kovil Street, Melayanambakkam, Chennai-600 095 / 3rd respondent.



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2. The learned Government Pleader, appearing on behalf of the respondents Hindu Religious And Charitable Endowments Department, would submit that the actions for evicting the encroachers from the Temple property have already been initiated under Section 78 of the Hindu Religious And Charitable Endowments Act. However, the actions are yet to commence in respect of other encroachers. It is needless to state that the competent authorities of the Hindu Religious And Charitable Endowments Department are bound to survey the Temple properties properly, identify the encroachers and initiate proceedings under Section 78 to remove the encroachments and protect the properties for the benefit of the Temple and in accordance with the provisions of the Act and Rules.

3. The deity in the Temple is the owner of the property and the deity being a minor, the authorities of the Hindu Religious And Charitable Endowments Department are bound to protect the property of the deity in the manner known to law. In the event of any lapses, negligence or dereliction of duty, the authorities are accountable since the Temple property belongs to the minor deity.

4. In the present case, the petitioners seek electricity service



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connection and the Temple authorities raised an objection to provide electricity service connection to the petitioners since the petitioners are encroachers and actions are also initiated to vacate the encroachers. Thus, this Court is not inclined to consider the relief as such sought for in the present writ petition.

5. Respondents 3 and 4 are directed to conduct inspection of the subject property, survey the land and initiate all appropriate action to resume the Temple property, and protect the same for the benefit of the Temple. It is needless to state that the Revenue authorities are bound to cooperate to survey the land and to identify the Temple property.

6. Accordingly the writ petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(sha)
Index : Yes
Speaking Order
Neutral Citation : Yes

17.04.2024

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S.M.SUBRAMANIAM. J.,

(sha)

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