



W.P.(MD)No.9824 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.9824 of 2017

P.Sankaran

... Petitioner

versus

1. Assistant Engineer,
Distribution/Urban
TANGEDCO, Shanthi Nagar,
Palayamkottai,
Tirunelveli District.

2. The Executive Officer,
Arulmigu Venkatachalapathi Temple,
Thimmarajapuram,
Tirunelveli District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the respondent to consider the petitioner's representation dated 15.05.2017 and consequently, direct the 1st respondent to give electricity supply to the petitioner's house in 7/32, South Street, Thimmarajapuram, Tirunelveli, without insisting NOC to be obtained from the 2nd respondent.



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For Petitioner : No appearance
For R1 : Mr.S.Deenadhayalan,
Standing Counsel
For R2 : Mr.H.Arumugam

ORDER

This writ petition has been filed for a Mandamus, directing the first respondent to give electricity supply to the petitioner's house situated in Door No.7/32, South Street, Thimmarajapuram, Tirunelveli, without insisting NOC to be obtained from the 2nd respondent by considering his representation dated 15.05.2017.

2. Today, when the matter is taken up for hearing, there is no representation for the petitioner.

3. The learned counsel appearing for the second respondent submits that for the very same relief as against the very same respondents, similar writ petitions have been filed in W.P.(MD)Nos.



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2722 to 2727, 5389 to 5391 of 2016, wherein, this Court, on

09.10.2023, has passed the following orders:

“7. From the submissions made by the learned counsel appearing for the second respondent, it is clear that the petitioners have encroached the properties of the second respondent Temple and constructed houses in the Temple properties and filed the present writ petitions seeking Mandamus to the first respondent to give electricity supply to the houses constructed by them in the Temple properties. Though the Temple has filed a suit as against the encroachments and obtained decree in its favour, the petitioners have not been evicted from the Temple properties so far. This Court has also directed the authorities concerned to take action as against the encroachers under Section 78 of the said Act. Even then, the Authorities have not evicted the encroachers from the Temple properties.

8. Considering the facts and circumstances of the case, these writ petitions are disposed of, with a direction to the second respondent to take immediate action against the encroachers under Section 78 of the Hindu Religious and Charitable Endowments Act, 1959, within a period



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of twelve weeks from the date of receipt of a copy of this order.”

4. In view of the decision already taken by this Court in similar writ petitions in W.P.(MD)Nos.2722 to 2727, 5389 to 5391 of 2016, dated 09.10.2023, this writ petition is disposed of on the above terms.
No costs.

07.02.2024

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NCC : Yes / No.
Index : Yes / No.
Internet : Yes / No.

To

1. The Assistant Engineer,
Distribution/Urban
TANGEDCO, Shanthi Nagar,
Palayamkottai,
Tirunelveli District.
2. The Executive Officer,
Arulmigu Venkatachalapathi Temple,
Thimmarajapuram,
Tirunelveli District.



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B.PUGALENDHI, J.

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