



W.P.(MD)No.14112 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.14112 of 2017

P.Selvam

... Petitioner

versus

1. The Assistant Engineer,
Distribution/Town
Tamil Nadu Electricity Board,
Kamuthi,
Ramanathapuram District.
2. The Tahsildar,
Kamuthi Taluk,
Kamuthi,
Ramanathapuram District.
3. The Special Officer,
Kamuthi Town Panchayat,
Kamuthi,
Ramanathapuram District.
4. Arulmighu Meenakshi Sundareswarar
Temple Devasthanam,
Kamuthi,
Ramanathapuram District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India,



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seeking for the issuance of Writ of Mandamus, to direct the respondent No.1 to provide electricity connection to the petitioner's building situate in S.No.274, L.F.Road, Kamuthi, Ramanathapuram District, within a time frame as may be fixed by this Court.

For Petitioner : Mr.Y.Prakash
For R1 : Mr.S.Deenadhayan,
Standing Counsel
For R2 and R3 : Mr.R.Suresh Kumar,
Additional Government Pleader
For R4 : No appearance

ORDER

This writ petition is filed for a Mandamus, directing the first respondent to provide electricity service connection to the petitioner's building, situated in S.No.274, L.F.Road, Kamuthi, Ramanathapuram District.

2. The learned counsel appearing for the petitioner submits that the land in S.No.274, L.F.Road, Kamuthi, Ramanathapuram District belongs to the 4th respondent Temple. The said land was originally leased out to the petitioner's grandfather. After the demise of his



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grandfather, his father had continued the lease. Now, the petitioner is continuing the lease. In the said land, the petitioner has also put up a building. During the settlement proceedings, the said land has wrongly been classified as Poramboke land. Therefore, the revenue officials treated them as encroachers and based on the direction of the revenue officials, electricity service connection was disconnected by the respondent Board.

3. The learned counsel appearing for the petitioner further submits that since the subject land has been classified as Poramboke land, a suit was filed by the petitioner's father in the year 1980 before the District Munsif Court, Paramakudi, in O.S.No.298 of 1980 and the same was decreed by the trial Court, by Judgment dated 02.03.1983, which was confirmed by this Court in Second Appeal in S.A.No.439 of 1986, dated 28.08.1998. Therefore, the subject property is a temple property. Since the petitioner is the lessee of the 4th respondent, he is entitled for service connection in the subject property.



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WEB COPY 4. The learned counsel appearing for the respondent Board submits that if the petitioner produces a No Objection Certificate from the 4th respondent/Temple along with the licence agreement, they would consider the petitioner's application for electricity service connection.

5. In view of the said submission, this writ petition is disposed of with a liberty to the petitioner to approach the first respondent for electricity service connection, after obtaining a No Objection Certificate from the 4th respondent Temple, along with the lease agreement, within a period of four weeks from the date of receipt of a copy of this order. In the event of filing any such application, the first respondent shall consider the same and take a decision within a period of eight weeks from thereon. No costs.

07.02.2024

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



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B.PUGALENDHI, J.

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