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W.P.No.229 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2025

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.229 of 2024

C.Shankarappa Dixit
Hereditary Trustee of Sri Kasi Visweshwara
Swamy's Temple,
Thali Village,
Denkanikottai Taluk,
Krishnagiri District.

... Petitioner

Vs.

- 1.The Assistant Engineer,
Tamil Nadu Electricity Board,
Thali Panchayat Union,
Krishnagiri District.
- 2.The Assistant Commissioner,
Hindu Religious & Charitable Endowments,
Krishnagiri.
- 3.The Inspector,
Hindu Religious & Charitable Endowments,
Anjetty, Krishnagiri.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the first respondent in



W.P.No.229 of 2024

Lr.No.A.E./O&M/Thali/No.054/23 dated 20.07.2023 and quash the same and consequently issue direction, directing the first respondent to change the commercial tariff of V to IIC Tariff to the petitioner's temple electricity service connection No.08-074-001-2919.

For Petitioner : Mr.R.Marudhachalamurthy

For Respondent : Mr.Madhusudanan
No.1 Standing Counsel

For Respondent-2 & 3 : Mr.S.Ravichandran, AGP

ORDER

The order passed by the first respondent in Lr.No.A.E./O&M/Thali/No.054/23 dated 20.07.2023 is under challenge in the Writ Petition. Further, the petitioner has sought for a direction to the first respondent to change the commercial tariff of V to IIC Tariff to the petitioner's temple electricity service connection No.08-074-001-2919.

2. Heard the learned counsels on either side.

3. The short facts which leads to the filing of the present Writ Petition:-

3.1. The petitioner is a hereditary trustee of the Sri Arulmigu Kasi Visweshwara Swamy's Temple, which is said to be under the control of



W.P.No.229 of 2024

Hindu Religious & Charitable Endowments [for brevity hereinafter referred to as “HR & CE”]. The temple owns lands in Survey Nos.93/1, 93/3, 134, 135, 157, 158, 170 and 171 at Thali Village, Denkanikottai Taluk, Krishnagiri District. The petitioner is doing cultivation in respect of pooja oriented products in survey Nos.158 & 157 measuring to an extent of 1.05.00 hectares and 1.21.50 hectares respectively, to meet the needs of the temple's day-today rituals and the remaining income derived from it are used for the welfare of the temple. In this background, the petitioner came to know that the first respondent had assigned the commercial tariff V for payment of electricity for the aforesaid agricultural lands and since the temple do not receive any income, the petitioner made a representation to the third respondent in this regard to change of the said electricity connection from Tariff V to IIC which was forwarded to the first respondent by proceedings dated 24.06.2023. The petitioner had also made an application for the said issue to the first respondent on 30.06.2023, for which the impugned order has been passed stating that as per Government notification, Tariff IIC will be assigned only to the temple acquiring less income based on the certificate issued by the authorities of the HR & CE and hence, the request of the petitioner cannot be acceptable and the same stands rejected.



W.P.No.229 of 2024

WEB COPY

4. Aggrieved over the same, the present Writ Petition before this Court.

5. The learned counsel for the petitioner would submit that the petitioner is not doing any commercial activities in the temple agricultural lands and he is only harvesting the commodities to meet the daily requirements of the temple rituals and the balancing income derived from it are utilized for the welfare of the temple and hence, he made a representation to the third respondent as well as to the first respondent to change the tariff V to IIC. He further submitted that the third respondent also considered his request and forwarded the same to the first respondent by its proceedings dated 24.06.2023, however, the first respondent without considering the recommendations of the HR & CE authorities, had rejected the request made by the petitioner through the impugned order, dated 20.07.2023. He contended that despite the recommendations made by the authorities of HR & CE, the first respondent had refused to change the tariff, which is unsustainable. Hence, he prayed this Court to grant the relief as sought for by the petitioner in the present Petition.



WEB COPY

6. Per contra, the learned Standing counsel for the first respondent Board submitted that as notified by the Government, low tension tariff IIC is only granted to Rock Fort Temple, Tiruchy and relied that as per the provision of ***6.16 Low Tension Tariff-IIC of the Tamil Nadu Electricity Regulatory Commission [Determination of Tariff for Generation and Distribution]***, the said concession shall be granted to the actual places of worship as already notified by the Government of Tamil Nadu having annual income less than Rs.1000/- and the same shall be continued under the same terms and conditions, until further order of the Commission. He further submitted that if the petitioner wants to change the tariff, it has to be notified by the Government.

7. The learned Additional Government Pleader appearing for the respondents 2 & 3 submitted that they have no objection in changing the tariff from V to IIC, however, the electricity connection stands in the name of the petitioner has to be changed in the name of the temple, so as to receive the concession of Tariff IIC.



WEB COPY

8. I have considered the rival submissions of the learned counsel on either side.

9. On perusal of the case, it is clear that the temple is under the control of the HR & CE and the petitioner is the hereditary trustee of the temple. The petitioner is doing cultivation in the temple agricultural lands and utilizing the same for conducting the day-today rituals of the temple and the remaining income derived from it for the welfare of the temple and not doing any commercial activities. It is stated that the temple is receiving revenue less than Rs.1000/- and as per the provision of 6.16 Low Tension Tariff II-C, it can claim the electricity connection under Tariff II-C. It is brought to the notice of this Court by the learned Counsel for the first respondent that for acquiring Tariff II-C, the petitioner has to approach either the Government or the Commissioner of HR & CE to recommend for change of tariff, then only they can able to change the Tariff from V to II-C.

10. In view of the above submissions by the respective counsels, this Court is of the considered view that the petitioner has to approach either the Government or the Commissioner of HR & CE to recommend for the tariff



W.P.No.229 of 2024

concession of II C. It is made clear that if any recommendations are received either from the Government or from the Commissioner of HR & CE for change of tariff as requested by the petitioner, the first respondent/ Electricity board shall consider for change of tariff as prayed by the petitioner, in accordance with law.

11. With the above observations and directions, the Writ Petition is disposed of. There shall be no orders as to costs.

03.11.2025

Index:Yes/No

NCC :Yes/No

Order : Speaking/Non Speaking

DP

To

- 1.The Assistant Engineer,
Tamil Nadu Electricity Board,
Thali Panchayat Union,
Krishnagiri District.
- 2.The Assistant Commissioner,
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WEB COPY



W.P.No.229 of 2024

M.DHANDAPANI.J.

DP

W.P.No.229 of 2024

03.11.2025