

(2013) 02 MAD CK 0009

In the Madras High Court

Case No : Writ Petition No. 66 of 2013 and M.P. No. 1 of 2013

M. Rajendran

APPELLANT

Vs

Assistant Electrical Engineer and Another

RESPONDENT

Date of Decision : 11-02-2013

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2013) 4 MLJ 150

Hon'ble Judges : M. Jaichandren, J

Bench : Single Bench

Advocate : G. Sankar, for the Appellant; S.K. Rameshwar and S. Kandhasamy, for the Respondent

Final Decision : Dismissed

Judgement

M. Jaichandren, J.—Heard the learned counsel appearing for the petitioner, as well as the learned counsels appearing on behalf of the

respondents. The petitioner has stated that he had purchased the vacant land, comprised in S.F. No. 133, Site No. 35, Kanchi Nagar, Third

Street, Nallur, Tiruppur, measuring an extent of 720 square feet, under a sale deed, dated 21.11.2012, registered as document No. 232/2012.

The petitioner has been in possession and enjoyment of the said land. The petitioner has also constructed a house in the said property. However, in

spite of the several requests made by the petitioner to the first respondent, for electricity service connection to the property in question, the first

respondent has not given the electricity service connection, as prayed for by the petitioner, till date. Therefore, the petitioner has preferred the

present writ petition, before this Court, under Article 226 of the Constitution of India.

2. The learned counsel appearing on behalf of the second respondent had submitted that the petitioner had encroached upon the property

belonging to Arulmighu Vishweswara Swamy Temple, Tiruppur District, and therefore, he is not entitled to obtain electricity service connection,

from the Tamilnadu Electricity Board, as requested by him.

3. The learned counsel appearing on behalf of the first respondent had submitted that the electricity service connection would not be given to the

petitioner, as per his request, in view of the pending dispute between the petitioner and the Arulmighu Vishweswara Swamy Temple, with regard to

the property in question.

4. In view of the submissions made by the learned counsels appearing on behalf of the petitioner, as well as the respondents, and on a perusal of

the records available, this Court finds it appropriate to direct the first respondent to grant temporary electricity service connection to the petitioner,

under Regulation 27(4) of the Tamilnadu Electricity Distribution Code, 2004, within a period of eight weeks from the date of receipt of a copy of

this order. However, it is made clear that the grant of electricity service connection to the property in question, by the first respondent, shall not

confer any right or interest to the petitioner, in respect of the property in question. It is also made clear that it would be open to the second

respondent to take appropriate action against the petitioner, if so advised, to evict him from the property in question, by invoking the provisions of

the Tamilnadu Hindu Religious and Charitable Endowments Act, 1959, if he is found to be an unauthorised occupier or an encroacher occupying

the property belonging to Arulmighu Vishweswara Swamy Temple, as contended on behalf of the second respondent. The writ petition is ordered

accordingly. No costs. Consequently, connected miscellaneous petition is closed.