

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.40624 of 2015

S.M.Murali Krishnan
S/o.Muthusamy Chettiar,
72, Thenvadal Street,
Muthusamy Colony,
Coimbatore - 641 026

... Petitioner

Vs

1. The Superintendent Engineer,
TANGEDCO - Coimbatore South,
Tatabad, Coimbatore 641 012
2. The Executive Engineer
TANGEDCO - Coimbatore
Selvapuram,
Coimbatore - 641 026
3. The Assistant Executive Engineer.
TANGEDCO - Selvapuram,
Coimbatore - 641 026

... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of mandamus, directing the respondents to consider the electricity service connection application of the petitioner dated 13.04.2015 and to provide the electricity service connection to the petitioner's house at R.S.No.188/2, Muthusamy Colony, Kumarapalayam Village and Kumarapalayam Taluk, Coimbatore District.

For Petitioner : Mr.M.Sivavarthanan

For Respondents : Mr.S.K.Rameshuwar

O R D E R

By consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2. Heard Mr.M.Sivavarthanan, learned Counsel appearing for the petitioner and Mr.S.K.Rameshuwar, learned counsel appearing for the respondents.

3. The petitioner, by way of this Writ Petition seeks for electricity service connection to the house at No.72, Thenvadal Street, Muthusamy Colony, Coimbatore - 641 026, by considering his application dated 13.04.2015. From the materials placed in the typed set of papers, it is seen that the property stand in the joint name of the petitioner and his brother S.M.Kanagasabesan. The petitioner's brother has not been impleaded as respondent in this Writ Petition. Therefore, if the property is a joint property, then the petitioner has to obtain a 'No Objection Certificate from his brother'. If for any reason, his brother refuses to grant 'No Objection Certificate', then the petitioner has to approach the Civil Court and establish that he has individual right over the property. Therefore, unless and until the petitioner does any one of the above two options, the question of directing the authority to consider the petitioner's application for grant of electricity service connection exclusively in his name does not arise. Hence, the relief sought for cannot be granted. Therefore, the Writ Petition is dismissed. However, liberty is granted to the petitioner to approach his brother and get 'No Objection Certificate' or to approach the Civil Court of competent jurisdiction for necessary relief. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

srn

To

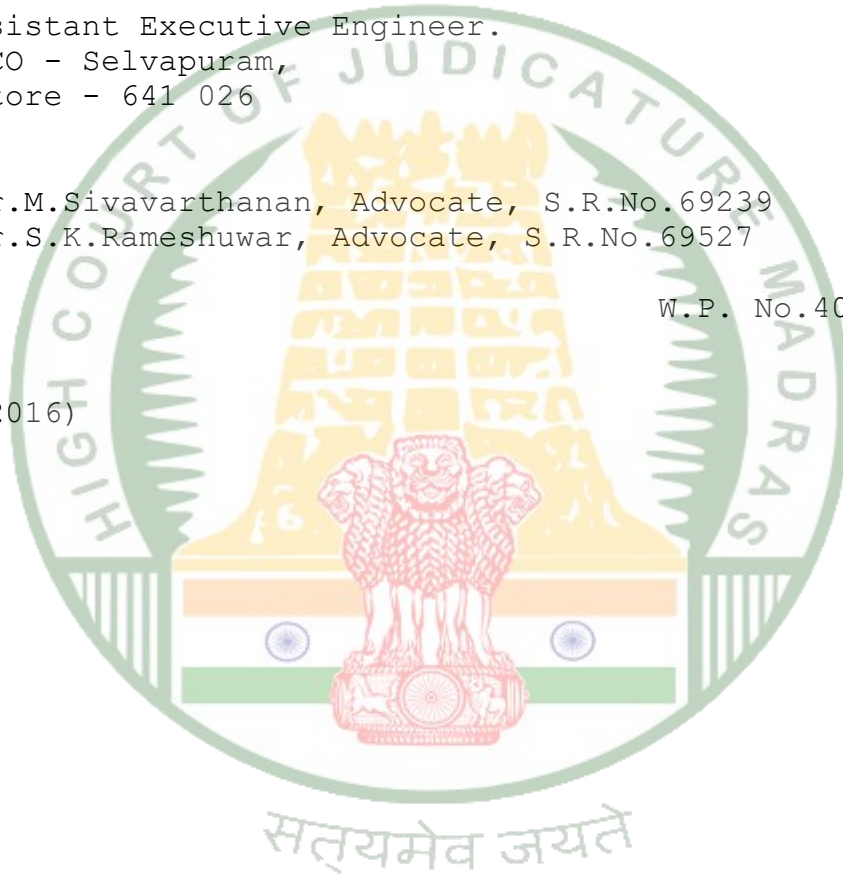
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3. The Assistant Executive Engineer.
TANGEDCO - Selvapuram,
Coimbatore - 641 026

+lcc to Mr.M.Sivavarthanan, Advocate, S.R.No.69239

+lcc to Mr.S.K.Rameshuwar, Advocate, S.R.No.69527

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PA(CO)
CA(06/01/2016)



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