



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :14.09.2015

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WEB COPY

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P(MD) .No.11486 of 2015

Mookkammal

... Petitioner

Vs.

1. The Assistant Electrical Engineer (O & M),
TANGEDCO,
Silvathur,
Dindigul Power Distribution Circle,
Dindigul District.

2. Adheshkumar
3. Radhakrishnan
4. Ganesan

... Respondents

This Writ Petition has been filed under Article 226 of Constitution of India praying for a Writ of Mandamus, directing the first respondent to give electricity connection to the house bearing Door No.16 in S.No.258/3E of V.S.Kottai Village, Dindigul Taluk and District by considering the petitioner's representation, dated 25.06.2015.

For petitioner : Mr.K.Baalasundharam

For R1 : Mr.S.Srimathi

for TNEB takes notice

For R2 to R4 : Mr.KR.Singaravadivel takes notice

ORDER

The Writ Petition has been filed praying for a Writ of Mandamus, directing the first respondent to give electricity connection to the house bearing Door No.16 in S.No.258/3E of V.S.Kottai Village, Dindigul Taluk and District by considering the petitioner's representation, dated 25.06.2015.

2. Mrs.S.Srimathi, learned standing counsel takes notice for the first respondent and Mr.KR.Singaravadivel, learned counsel takes notice for the respondents 2 to 4.

3. By consent, this Writ Petition itself is taken up final

<https://hcservices.gov.in/hcservices/>

4. In the affidavit filed in support of the Writ Petition, it



has been averred that the property in S.No.258/3E of V.S.Kottai Village, Dindigul District is the petitioner's ancestral property. The petitioner's husband Vellaichamy and her sons Karthick and Rajendran executed a registered sale deed in her favour for a valid consideration by means of registered sale deed, dated 14.12.2011. The petitioner is the absolute owner of the aforesaid property. She has constructed a house in the aforesaid Survey Number with the assistance of the Government. She has paid all the taxes to the Panchayat and the door number assigned to the house is No.16. The petitioner submitted an application to the first respondent on 07.01.2015 by annexing necessary documents and remitted necessary fees for obtaining electricity connection to her house. When the first respondent was taking necessary steps to provide electricity connections, the respondents 2 to 4 filed a suit in O.S.No.241 of 2015 before the Principal Sub Court, Dindigul for partition and for permanent injunction restraining the first respondent from giving electricity connection to the petitioner. But in the said suit, no interim order was passed. Further, the first respondent issued a letter, dated 12.06.2015 informing the petitioner that the electricity connection cannot be effected to her house since a civil suit is pending. Hence, the petitioner has filed the present writ petition for writ of Mandamus, directing the first respondent to give electricity connection to the house bearing Door No.16 in S.No.258/3E of V.S.Kottai Village, Dindigul Taluk and District by considering her representation, dated 25.06.2015.

5.The learned counsel for the respondents 2 to 5 by filing a detailed counter was opposing to provide the electricity connection to the petitioner's house. In the counter, it is stated that the subject matter of the property is the undivided property and hence, the petitioner has no locus standi to construct the building in the undivided property and as such she is not entitled for the Electricity Connection. Furthermore, a civil suit is also pending before the Principal Sub Court, Dindigul in O.S.No.241 of 2015 filed by the respondents 2 to 4. The right of the petitioner to construct the building in the said property is questionable. If the Electricity connection is given, the respondents 2 to 4 will be put to irreparable loss and hardship.

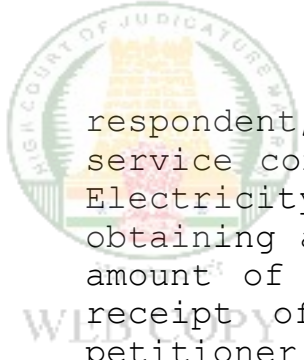
6.Heard the learned counsel appearing for the petitioner and the respondent and also perused the materials on record.

7.In an identical in matter, this Court directed the Electricity Board to give service connection in terms of Clause 27 (2)(4) of the Tamil Nadu Electricity Distribution Code and grant electricity supply, after obtaining an indemnity bond in the statutory form and the required amount of fees. Hence following

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the Court passes the following order.

8.Accordingly, there shall be a direction to the first



respondent, to consider the petitioner's request, for electricity service connection, in terms of Clause 27(2)(4) of the Tamil Nadu Electricity Distribution Code and grant electricity supply, after obtaining an indemnity bond in the statutory form and the required amount of fees, within a period of four weeks from the date of receipt of a copy of this order, if the application of the petitioner is otherwise found to be in order. However, it is made clear, the said connection is only subject to the result of the Civil Suit. Further, this Court makes it clear that mere grant of electricity supply would not confer any right to the petitioner in respect of the property in question.

9. With the above direction, the Writ Petition is disposed of. No Costs.

Sd/-
Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To

The Assistant Electrical Engineer (O & M),
TANGEDCO,
Silvathur,
Dindigul Power Distribution Circle,
Dindigul District.

+ 1 CC TO M/S.K.BALASUNDHARAM, ADVOCATE IN SR NO. 54041/15
+ 1 CC TO MR.K.R.SINGARAVADIVEL, ADVOCATE IN SR NO. 54114/15

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TE/AAL-MPA/ 06/10/2015 3P/4C

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