

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.08.2016

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P. No.27254 of 2016

P.V.Chandrasekar

.. Petitioner

Versus

1.The Chairman / Managing Director,
Tamilnadu Generation and
Distribution Corporation Ltd.,
Chennai.

2.The Assistant Engineer,
Tamilnadu Electricity Board,
Thiruverkadu, Chennai - 600 077. .. Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus, calling for the proceedings of the second respondent pertaining to Letter No.2.PO/E & P.RA/Thiruverkadu/KO.Kattu/A.No.118/dated 04.06.2016, quash the same and consequently direct the respondent to provide electricity connection with respect to the property situated in S.No.172, Sivan Koil Street, Thiruverkadu, Chennai - 600 077, award costs.

For Petitioner : Mr.S.Makesh

For Respondents: Mr.P.R.Dhilip Kumar
Standing Counsel for T.N.E.B.

सत्यमेव जयते
O R D E R

By consent, the Writ Petition is taken up for final disposal.

2.The petitioner is one of the co-owners of the property measuring to an extent of 91 cents comprised in Survey No.172, Thiruverkadu Village, Poonamallee Taluk. Originally, the property belongs to one Kuzhandahivelu Mudaliyar. He settled the said property through Wills dated 10.02.1914 and 25.03.1922, in favour of his sons, namely, Thanikachalam and Vaiyapuri. The said Thanikachalam and Vaiyapuri equally shared the property by Partition Will dated 19.02.1977.

3.The petitioner is the owner having inherited the property from his ancestors along with his sisters. Since the said property remains vacant, the third parties are trying to encroach upon the property. Due to which, the petitioner wanted to fence the property and hence, he needs electricity connection and therefore, gave an application seeking electricity connection and the said application was rejected stating that there are suits pending in O.S.No.141 of 2015 and O.S.No.217 of 2007. The said order is being challenged before this Court.

4.Heard Mr.S.Makesh, learned counsel appearing for the petitioner and Mr.P.R.Dhilip Kumar, learned Standing Counsel for T.N.E.B., who takes notice on behalf of the respondents.

5.A perusal of the records would show that the suit property is located in Survey No.172, Sivan Koil Street, Thiruverkadu and the said property is the subject matter of the partition suit in O.S.No.217 of 2007 filed by the petitioner against his sisters. Pendency of the said suit cannot be a bar for the petitioner to get the electricity connection. Even according to the petitioner, he is one of the co-sharers along with his sisters. As long as the petitioner has got the share in the property, he is entitled to have electricity connection in his name and therefore, the impugned order is quashed. The second respondent is directed to give electricity connection to the petitioner on merits and in accordance with law, within a period of three weeks from the date of receipt of a copy of this order. However, it is made clear that by getting an electricity connection, the petitioner will not get any extra right over the other co-owners and he cannot take advantage out of this order as the electricity connection being given by the respondents.

6.With the above directions and observations, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1.The Chairman / Managing Director,
Tamilnadu Generation and
Distribution Corporation Ltd.,
Chennai.

2.The Assistant Engineering,
Tamilnadu Electricity Board,
Thiruverkadu, Chennai - 600 077.

+1cc to M/S.S.Makesh, Advocate Sr.44374
+1cc to M/S.P.R.Dhilipkumar, Advocate sr.44300

W.P. No.27254 of 2016

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