

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 24.08.2016

CORAM

THE HONOURABLE Mr. JUSTICE N. KIRUBAKARAN

W.P.No.29496 of 2016

K.Gunaseelan

... Petitioner

Versus

1. The Chairman,
TANGEDCO,
Anna Salai,
Chennai-600 002.

2. The Assistant Engineer (O & M),
Tamil Nadu Generation Electricity
and Distribution Corporation Limited,
Ennore North, Ennore,
Chennai-600 057.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, to provide electricity service connection based on the petitioner's representation dated 10.06.2016 for home situated at No.19, 6th Street, Ulaganathapuram, Ennore, Chennai-600 057.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.P.R.Dilipkumar
Standing Counsel for TNEB

O R D E R

With the consent of the learned counsel on either side, the Writ Petition itself is taken up for final disposal.

2. The petitioner, who is said to have constructed a house in Door No.19, 6th Street at Ulaganathapuram, Ennore, Chennai-600 057, is seeking electricity service connection, after giving a representation on 10.06.2016.

3. Heard Mr.M.Vinoth, learned counsel appearing for the petitioner and Mr.P.R.Dilipkumar, learned Standing Counsel, takes notice on behalf of the respondents.

4. It is seen that the petitioner has not produced any document to show that he is the owner of the property, while

Mr.P.R.Dilipkumar, learned Standing Counsel appearing for respondents produced an objection letter written by the petitioner's mother-Sugunthavalli stating that the property in which the petitioner is said to have raised construction, belongs to her husband-Kuppuswamy. After the death of the said Kuppuswamy, the property is inherited by the petitioner along with his mother-Sugunthavalli and two other brothers. Unilaterally, on his own, the petitioner is said to have constructed the property and therefore, the petitioner's mother-Sugunthavalli requested the Authorities not to give electricity service connection to the property. Along with the objection letter, the legal heir-ship certificate dated 06.06.2005 and the Dearth Certificate of Late C.Kuppusamy, have been enclosed. A perusal of the legal heir-ship certificate reveals that there are four legal heirs of Late Mr.C.Kuppuswamy viz., Tmt.K.Sugunthavalli, K.Gunamoorthi, K.Gunaseelan, (the petitioner herein) and Kr.K.Kumaraguru. When the property belongs to four persons, the petitioner cannot unilaterally approach and seek electricity service connection. This kind of litigation has to be discouraged and it is an attempt to usurp the entire property which also belongs to the mother and other brothers.

5. Therefore, the Writ Petition is dismissed. Though this Court felt to award heavy costs on the petitioner, who tried to usurp the property from his brothers and mother unilaterally, which neither is sustainable in law nor on equity, taking lenient view, no amount is imposed as costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

r n s

To

1. The Chairman,
TANGEDCO,
Anna Salai,
Chennai-600 002.
2. The Assistant Engineer (O & M),
Tamil Nadu Generation Electricity
and Distribution Corporation Limited,
Ennore North, Ennore,
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MSM(CO)

CA/08/09/2016)

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