

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2016

CORAM

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

WP.No.7543/2016 & WMP.No.6753/2016

K.Thulasiammal

... Petitioner

Versus

1. The Chairman [TANGEDCO]
Anna Salai, Chennai-02.

2. The Executive Engineer
[Operation & Maintenance]
Coimbatore Electricity Distribution
Circle/south, Somanur, Coimbatore District.

3. Marappan

4. Natarajan

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus forbearing the 2nd respondent from giving electricity connection to the respondents 3 and 4 without considering and passing orders on the petitioner's objection dated 06.11.2014 in respect of 741/1A, 741/1C.

For Petitioner : Mr.R.Prabhakar

For Respondents : Mr.S.K.Raameshuwar for RR1&2

ORDER

Heard the learned counsel appearing for the petitioner ; and Mr.S.K.Rameshwar, learned Standing counsel accepting notice on behalf of the respondents 1 and 2 and with their consent, the writ petition is taken up for final disposal at the admission stage.

2. The petitioner seeks for a direction upon the 2nd respondent not to grant electricity supply in favour of the respondents 3 and 4 who are none other than her brothers without

considering her objections dated 06.11.2014. The petitioner's claim is that the property is an ancestral property and after the demise of his father [late] Rangasamy Gounder @ Ranga Gounder, all the legal heirs are enjoying the property jointly. It is stated that the property is yet to be divided by metes and bounds and no partition has taken place in the family. With these facts, the petitioner has objected to the request made by the respondents 3 and 4 for grant of separate electricity service connection in their names. Further, it is seen that the petitioner has filed a suit in OS.No.1106/2012 before the Sub Court, Coimbatore, wherein the respondents 3 and 4 are the defendants 1 and 2 and another sister is defendant No.3. In the said suit, the petitioner has claimed for partition of the suit schedule property into four shares by metes and bounds and allot one share to her.

3. Since the writ petition is disposed of at the admission stage, without notice to the respondents 3 and 4, the merits of the allegations made by the petitioner as against them in her representation/objection or in the affidavit filed in support of this writ petition are not gone into and it is left open to be taken note of by the 2nd respondent.

4. Accordingly, there will be a direction to the 2nd respondent to consider the petitioner's objections/representations dated 06.11.2014 and 10.02.2016 on merits and in accordance with law, after notice to the respondents 3 and 4 and pass orders as expeditiously as possible.

5. The writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

AP

To

1. The Chairman [TANGEDCO]
Anna Salai, Chennai-02.

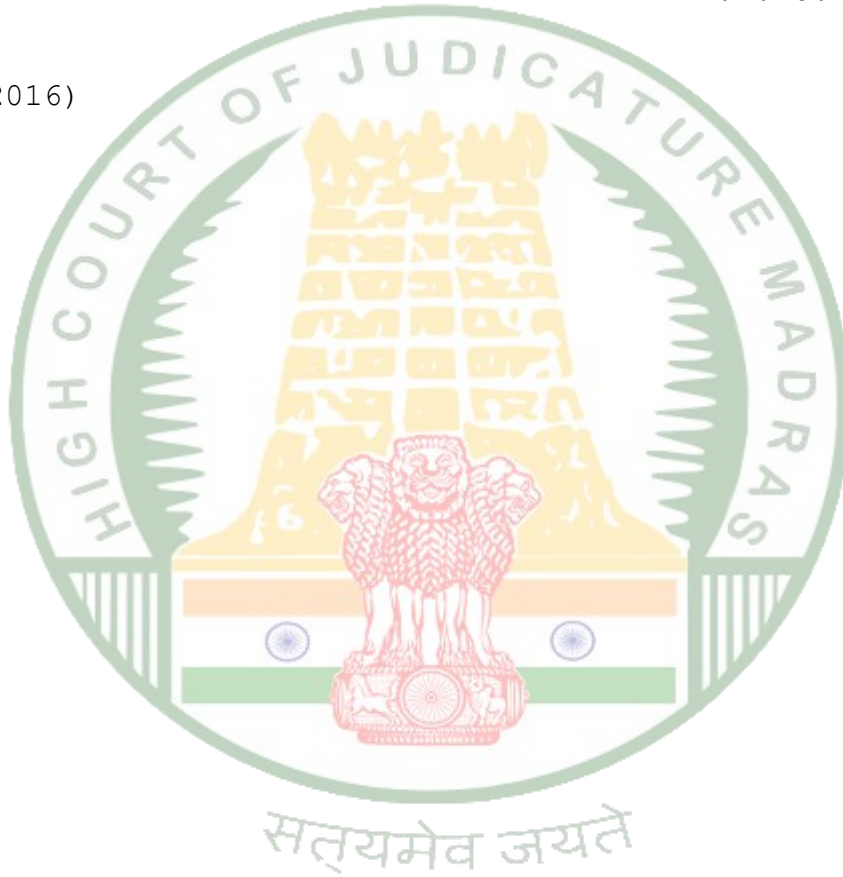
2. The Executive Engineer
[Operation & Maintenance]
Coimbatore Electricity Distribution
Circle/south, Somanur,
Coimbatore District.

+1cc to Mr.R.Prabhakar, Advocate, S.R.No.13014

+1cc to Mr.S.K.Raameshuwar, Advocate, S.R.No.13380 (13.06.2016)

W.P.No.7543 of 2016

VSN(CO)
CA(07/03/2016)



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