

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2018

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.13661 of 2012
and
M.P.No.1 of 2012

Selvaraj .. Petitioner

Versus

1.The Assistant Engineer,
Tamil Nadu Electricity and
Distributors Board,
Coimbatore Distributor Circle/
Corporation,
Chinnampalayam/West
Coimbatore - 641 014

2. R.Jagannathan ... Respondents

PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari, calling for the records of the first respondent in his letter Ka.No.A.E.E./W.C.P/A.No.017/12-13 dated 08.05.2012 and quash the same.

For Petitioner :: Mr.C.Deivasigamani

For R1 :: Mr.S.S.K.Raameshuwar
Standing counsel for TNEB

For R2 :: Mr.S.Sivakumar

ORDER

This Writ Petition has been filed, calling for the records of the first respondent in his letter Ka.No.A.E.E./W.C.P/A.No.017/12-13 dated 08.05.2012 and to quash the same.

2. Heard both sides.

3. The Writ Petitioner, R.Selvaraj and the second respondent R.Jagannathan are brothers. They are residing in No.26, Boopathy Street, Thottipalayam, Chinnampalayam Post, Coimbatore 641 062. This is one house. Unfortunately, they have not able to live in peace. Suits have been filed seeking partition of the house. That had been filed by a sister and according to the learned counsel for the petitioner, a preliminary decree granting 1/3rd undivided share had been granted to the sister. The petitioner and the second respondent are both entitled to another undivided 1/3rd share each. There is also been another suit filed by the second respondent seeking partition of ancestral lands and also this house. According to the learned counsel for the petitioner owing to lack of pecuniary jurisdiction, the learned Sub-Judge, Coimbatore had returned that complaint to the second respondent to be filed in the Court having competent jurisdiction.

4. The second respondent has an electricity connection which was originally in the name of the father Ramasamy. The house had been, to suit convenience, divided into two portions and the petitioner and the second respondent are living separately in the two separate portions. The petitioner seeks electricity connection for his portion. This has been objected to by the second respondent. This has put the first respondent-The Assistant Engineer, Tamil Nadu Electricity and Distributors Board, Coimbatore Distributor Circle/Corporation in a very precarious position and he does not know whether electricity connection can be granted or not. Consequently, he had passed the impugned order dated 08.05.2012 in AEE/WCP/A.No.017/12-13. By the impugned order he had called upon the petitioner to produce documents to show that a pathway belongs to the petitioner and also a Certificate from the Tahsildar.

5. Admittedly, in the property which is the subject matter of the litigation, the petitioner's right to 1/3rd share has been declared. Consequently, if the petitioner satisfies other aspects of payment of charges in accordance with rules and any other conditions and if there are no other hurdles for grant electricity connection, it only be proper that the first respondent grants the connection as sought by the petitioner. The learned counsel for the first respondent agrees for the same.

6. In view of the above reasoning, the impugned order is quashed and the first respondent is directed to regularize the electricity connection if it had been granted or if electricity connection had not been granted, the petitioner grant connection in accordance with rules.

7. Accordingly, this Writ Petition is allowed. No costs.
Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The Assistant Engineer,
Tamil Nadu Electricity and
Distributors Board,
Coimbatore Distributor Circle/ Corporation,
Chinniampalayam/West
Coimbatore - 641 014

+1cc to M/S.C.Deivasigamani, Advocate Sr.80271
+1cc to Mr.S.Sivakumar, Advocate Sr.79329

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