

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.31040 of 2018
and WMP Nos.36222 and 36223 of 2018

S. Muthulakshmi

... Petitioner

-vs-

1. The Assistant Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Coimbatore North Circle,
Kariyampalayam - 641 653

2. M. Muthusamy

.... Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus to call for the records relates to the impugned letter dated 20.10.2018 Vide Letter No.2.mi.po/E&Pe/Kari/Co/No.224/18 issued by the first respondent and quash the same as illegal and unconstitutional and consequently direct the first respondent to grant power supply connection to the petitioner residential house comprised in S.No.402/4 situated at A. Kumarapalayam, Annur Town and Taluk, Coimabtoire District by processing the petitioner's application dated 06.07.2018.

For Petitioner:: Mr.A.V. Raja

For R.1 :: Mr.S.K. Rameshwar
Standing Counsel

For R.2 :: Mr.A.E. Laxmi Narayanan

ORDER

This Writ Petition is filed questioning the correctness of the impugned letter No.2.mi.po/E&Pe/Kari/Co/No.224/18 dated 20.10.2018 issued by the first respondent and also direct the first respondent to grant

power supply connection to the petitioner's residential house comprised in S.No.402/4 situated at A. Kumarapalayam, Annur Town and Taluk, Coimbatore District by processing the petitioner's application dated 06.07.2018.

2. The learned counsel for the respondents submits that two Civil Suits are pending to decide the title of the land, for which, the petitioner is demanding electricity connection. Therefore the electricity connection cannot be given until the suits are disposed of.

3. On the contrary, the learned counsel for the petitioner stated that even if there is any dispute with regard to the title or ownership of the land is pending, the Electricity Department may be directed to give electricity connection by obtaining a Bond, to be executed by the Consumer.

4. The learned counsel for the second respondent submits that the petitioner seeks electricity connection to a place, where she is not living. This could be seen clearly from the address given by the petitioner in the plaint, filed by her in O.S.No.1009 of 2014, which is given as under:-

"Tmt.S. Muthulakshmi, D/o Kaliappa Gounder, W/o Late Selvaraj, aged about 55 years, residing at Mekku Thottam, A. Komarapalayam, Annur Village, Annur, T.K. Coimbatore District."

5. Both the petitioner and the second respondent have filed a suit, disputing the partition that took place on 12.12.2008. Merely on the basis of Partition Deed, said to have been registered on 12.12.2008, in respect of the land in question, the petitioner cannot seek a direction to the Electricity Board to give electricity connection. Therefore, the Writ Petition is closed. It is made clear that if the petitioner is able to succeed in the suit before the Civil Court, it is open to the petitioner to approach the Electricity Board for appropriate relief. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

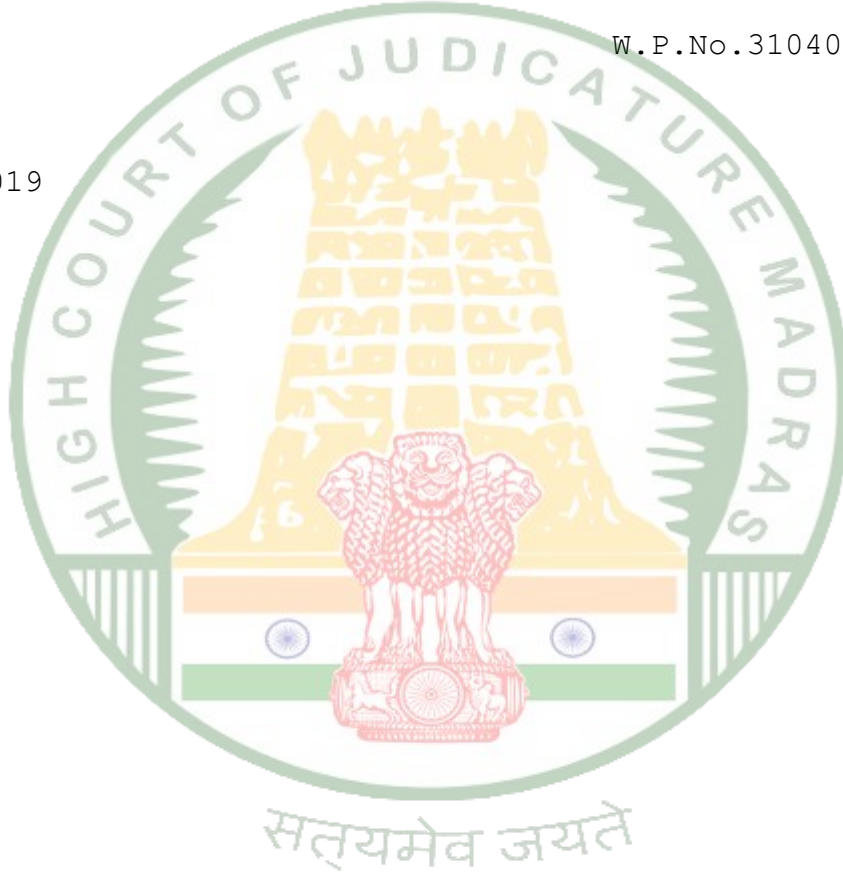
The Assistant Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Coimbatore North Circle
Kariyampalayam - 641 653.

+1cc to Mr.A.E.Lakshminarayanan, Advocate sr.32975

+1cc to Mr.A.V. Raja, Advocate Sr.35467 [09/07/2019]

W.P.No.31040 of 2018

nmi[co]
srg 6/5/2019



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