

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2020

CORAM:

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.No.5449 of 2020

S.Chithra

... Petitioner

-Vs-

1. The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution Corporation Limited,
(TANGEDCO),
N.P.K.R.R.Maligai, Electricity Avenue
144, Annasalai, Chennai 600 002.

2. The Assistant Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
(TANGEDCO),
Chennai South Circle,
Kundrathur Town Division, Chennai 600 009.

3. Mrs.Leela Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of certiorarified Mandamus to call for the records of the 2nd respondent in A.No.558 of 2019 dated 16.10.2019 and quash the same and direct the 2nd respondent to provide new electricity connection in the name of the petitioner.

For Petitioner: Mr.J.S.Arunkumar

For Respondents: Mr.P.Gunaraj

Standing Counsel for R1 and R2

ORDER

This Writ Petition has been filed challenging the impugned rejection letter of the 2nd respondent dated 16.10.2019.

2. The case of the petitioner is that originally the property belonged to his Grand Father. After his death, the property was partitioned among his legal heirs by means of a Registered Partition Deed dated 10.01.1959. As per the partition, the property was allotted to four persons jointly, out

of which, one of the allottee is the father of the petitioner. Initially, the electricity connection was provided by the 2nd respondent in the name of 3rd respondent. There was some difference of opinion between the petitioner and the 3rd respondent and as a result of the same, the 3rd respondent is said to have disconnected the electricity supply to the portion belonging to the petitioner.

3. The petitioner therefore applied for a new electricity connection in his name before the 2nd respondent on 10.10.2019. While making the application, the petitioner had obtained the No objection certificate from all the legal heirs. The 2nd respondent has rejected the application given by the petitioner, on the ground that the 3rd respondent is objecting for the new connection sought for by the petitioner. Aggrieved by the same, the present writ petition has been filed before this Court.

4. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents 1 and 2.

5. Taking into consideration the facts and circumstances of the case and also of the fact that the petitioner is only seeking for a new electricity connection for his portion of the property, the 2nd respondent ought to have considered the same after considering the no objection certificate issued by the other legal heirs and also the Partition deed dated 10.01.1959. Providing Electricity connection to the portion of the property in possession of the petitioner, does not in any way enhance the right of the petitioner over the property.

6. In view of the above, the 2nd respondent is directed to consider the application given by the petitioner and provide separate electricity connection in the name of the petitioner for her portion of the property. This process shall be completed within a period of two weeks from the date of receipt of copy of this order.

7. This writ petition is disposed of with the above directions. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

rka

To

1. The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution Corporation Limited,
(TANGEDCO),
N.P.K.R.R.Maligai, Electricity Avenue
144, Annasalai, Chennai 600 002.
2. The Assistant Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
(TANGEDCO),
Chennai South Circle,
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+1 CC to Mr.J.S.Arunkumar, Advocate sr 18635.
+1 CC to Mr.P.Gunaraj, Advocate sr 18503.

W.P.No.5449 of 2020

SSV(CO)
SP(30/05/2020)



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