



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.14459 of 2015

N.Venugopal

...Petitioner

Vs.

1.The Chief Engineer

Tamil Nadu Generation Electricity and
Distribution Corporation Limited,
Tatabad, Coimbatore.

2.The Junior Engineer

Tamil Nadu Generation Electricity and
Distribuion Corporation Limited,
Koilpalayam, Coimbatore.

3.N.Devaraj

...Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to Disconnect the Domestic Electricity ServiceConnection No.137 stands in the name of N.Venugopal and N.Devaraj in respect of the property bearing Door No.12/176A situate at Sarkar Saamakulam Sathi Main road Kovil Palayam Coimbatore forthwith based on the petitioner representation dated 05/05/2015.

For Petitioner : Mr.Jayam for
M/s.C.Prabakar

For Respondents: Mr.M.Abdul Kalam [R1 and R2]
for TANGEDCO
Mr.K.V.Shanmuganathan [R3]

ORDER

The relief sought for in the present writ petition is to direct the respondents 1 and 2 to disconnect the domestic electricity service connection No.137, which stands in the name of Mr. N.Venugopal and N.Devaraj in respect of the property bearing Door No.12/176A, situated at Sarkar Saamakulam, Sathi main Road, Kovil Palayam, Coimbatore.

2. The grievance of the writ petitioner is that he is not using the electricity service connection for commercial purposes



and the 3rd respondent, who is none other than his brother, is using the electricity service connection for commercial purposes, therefore, the petitioner cannot be penalized for the usage of electricity service connection for commercial purposes by the 3rd respondent.

3. However, the fact remains that partition occurred between the petitioner and the 3rd respondent and if such disputes between the brothers has to be adjudicated with reference to the documents and evidences that the petitioner is not using the electricity service connection for commercial purposes, then he has to establish the same before the competent authorities or he has to submit a fresh application for providing separate service connection.

4. All these avenues are left open to the petitioner and the petitioner is at liberty to approach the appellate authorities for the purpose of adjudication of these disputed facts and resolve the issues between the petitioner and the 3rd respondent. In view of the fact that the relief sought for in the present writ petition requires an elaborate adjudication of facts and circumstances, the petitioner is at liberty to approach the appellate authorities or the forum for the purpose of redressing his grievance.

5. With these observations this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

shr/ska

To

1.The Chief Engineer

Tamil Nadu Generation Electricity and
Distribution Corporation Limited,
Tatabad, Coimbatore.

2.The Junior Engineer

Tamil Nadu Generation Electricity and
Distribuion Corporation Limited,
Koilpalayam, Coimbatore.

+1cc to Mr.C.Prabakaran, Advocate, S.R.No.3831

W.P.No.14459 of 2015

PMK(CO)

SB(09/02/2022)