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W.P. No.4742 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2022

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THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. No.4742 of 2022

M.Ravichandran

... Petitioner

Vs.

1.The Chairman

Tamil Nadu Generation and Distribution
Corporation Ltd.,
Chennai – 600 002.

2.The Assistant Engineer,

Operation & Maintenance
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Kundadam Village, Dharapuram Taluk,
Tiruppur District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the 2nd respondent to provide electricity service connection to the petitioner's residential house at S.F.No.207/2 Aththikkaatu Thottam, Vengikalpalayam of Thoppampatti Village, Dharapuram Taluk in Tiruppur District by accepting the indemnity bond provided by petitioner.

For Petitioner : Mr.N.Ponraj

For Respondents : Ms.S.Revathy
M/s.M.Abulkalam
Standing Counsel



W.P. No.4742 of 2022

ORDER

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2. The petitioner claimed that he has constructed a residential house at Survey No.207/2 Aththikkaatu Thottam, Vengikalpalayam of Thoppampatti Village, Dharapuram Taluk in Tiruppur District. The petitioner also claims that the land where he constructed a small dwelling house belongs to the petitioner as well as his brother but it has not been partitioned so far.

3. Though there has been an oral partition whether that has been acted upon or not cannot be ascertained, now since the petitioner's brother also raises some objection for getting domestic service connection from the respondents to the said newly constructed dwelling house, therefore, at this juncture the petitioner has approached this Court by filing the present writ petition.



W.P. No.4742 of 2022

4. Heard Mr.N.Ponraj, learned counsel appearing for the petitioner who would submit that, though the petitioner was ready and willing to produce whatever the available documents to the respondent TANGEDGO to substantiate his claim that, he is the owner of the house he built in the land which belongs to the petitioner also, despite that the respondents have not come forward to extend the service connection for the domestic purpose.

5. However, Ms.S.Revathy, learned Standing Counsel appearing for the respondents on instruction would submit that, insofar as the claim made by the petitioner that he is the owner of the property concerned, he has to produce the documents to the satisfaction of the respondents. In this regard if he is a tenant, the lease agreement has to be produced and if he is a Joint owner to substantiate some documents have to be produced by the petitioner since his brother claiming right of co-ownership in the undivided property where in a portion of the property alone the petitioner has built up a house, the brother has to give No Objection Certificate, then only the plea of the petitioner can be considered by extending domestic service connection.



W.P. No.4742 of 2022

6. I have considered the said rival submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Court.

7. Insofar as the objection raised by the respondents by citing the objection probably would come from the brother of the petitioner is concerned, this Court feels that if the land where the petitioner built up a house belongs to both petitioner and the brother of the petitioner jointly and where there has been an oral partition effected, these aspects can be enquired preliminarily by the respondent TANGEDCO, for which, notice can be given to both the petitioner as well as his brother and after having undertaken that exercise if the respondent TANGEDCO satisfied that the petitioner can be extended the domestic service connection for the dwelling house built recently, such gesture can be shown to him. In that view of the matter, this Court is inclined to dispose of this writ petition with the following orders:

That there shall be a direction to the respondents to issue notice to both petitioner as well as his brother viz., Selvaraj and enquire them, based on such enquiry and the documents to be produced both by petitioner and his



W.P. No.4742 of 2022

WEB COPY

brother, the claim made by the petitioner that he has built up the house for dwelling purpose in the land belongs to him undividedly and accordingly on satisfaction the respondents can extend the service connection for domestic purpose to the new dwelling house. The needful as indicated above shall be undertaken by the respondents within a period of six weeks from the date of receipt of a copy of this order.

8. With these directions, this Writ Petition is disposed of. No costs.

11.10.2022

Index : Yes/No
Speaking order : Yes/No
Sgl

To

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W.P. No.4742 of 2022

R.SURESH KUMAR, J.

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W.P.No.4742 of 2022

11.10.2022