



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.23808 of 2019

S.Nagarajan

..Petitioner

Vs.

1. The Chairman and Managing Director,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
144, Anna Salai, Chennai - 600 002.

2. The Assistant Engineer (Operation and Maintenance),
Tamilnadu Electricity Generation and
Distribution Corporation,
Nadanthai, Namakkal District.

3. Palanisamy

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Mandamus, directing the 2nd respondent to provide electricity service connection to the proposed Sugarcane Crushing Unit by considering the representation of the petitioner herein dated 28.06.2019 within an appropriate time.

For Petitioner : Mr.T.Mohanraj

for Mr.R.Nalliyappan

For Respondents : Mr.Abdul Kalam for R1 & R2

Mr.S.Mukunth for

M/s.Sarvabhauman Associates for R3

O R D E R

The petitioner seeks issuance of Writ of Mandamus directing the 2nd respondent to provide electricity connection to the proposed Sugarcane Crushing Unit by considering the representation of the petitioner dated 28.06.2019.



2.It appears that the application of the petitioner seeking electricity connection to run a Sugarcane Crushing Unit in the land situate in Survey Nos.118/2C, 2D, 2H, 120/2C, 120/2F of Olapalayam Village, T.Goundampalayam, Paramathi Velur Taluk, Namakkal District was rejected on various grounds. One of the grounds that was mentioned is an objection by the Co-owners who had instituted a suit in O.S.No.18 of 2016 seeking partition of the property. The suit is stated to be pending as of today.

3.Heard Mr.T.Mohanraj for the petitioner, Mr.Abdul Kalam, learned counsel for the 1st and 2nd respondents and Mr.S.Mukunth, learned counsel for the 3rd respondent who is the Co-owner.

4.The ground, on which the application is sought to be rejected namely, objections by the Co-owners is on the face of it unsustainable. A Co-owner is entitled to enjoy the property which is in his possession to the best advantage. Other Co-owner cannot object to such enjoyment unless such enjoyment would cause diminution in value of the property.

5.All that is sought for is the electricity service connection for running a Sugarcane Crushing Unit. In my opinion, such user will not result in the property being wasted or being rendered worthless.

6.In view of the same, the rejection of the application of the petitioner on the ground that the Co-owners have objected to such grant cannot be sustained. There are other defects pointed by the authorities in the order of rejection dated 10.05.2019. The petitioner would claim in his letter dated 28.06.2019 that he had rectified those defects. Certain photographs have also been produced to show that the defects stand rectified. It is for the petitioner to convince the authorities that he has rectified the other defects.

7.This Writ Petition is disposed of with a direction to the 2nd respondent to grant electricity service connection, if the petitioner complies with the other statutory requirements without insisting on the no objection from the other Co-owners and de hors the objections that have been made alone. Such exercise shall be completed within a period of eight weeks from the date on which, the petitioner complies with all the statutory requirements. No costs.

Sd/-
Assistant Registrar

True Copy//

Sub Assistant Registrar



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1. The Chairman and Managing Director,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
144, Anna Salai, Chennai - 600 002.
 2. The Assistant Engineer (Operation and Maintenance),
Tamilnadu Electricity Generation and
Distribution Corporation,
Nadanthai, Namakkal District.
- +lcc to M/s.Sarvabhauman Associates, Advocate, S.R.No.37583

W.P.No.23808 of 2019

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NSK/07/07/2022