



W.P.No.4830 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :02.12.2022

CORAM:

THE HON'BLE **MR.JUSTICE N.SATHISH KUMAR**

W.P.No.4830 of 2017
and W.M.P.No.5054 of 2017

P.S.Natarajan (died)
2.Maniammal
3.Ghowsalya
4.Abirami

(P2 to P4 substituted as LR's of
deceased sole petitioner vide order
dated 14.11.2022 made in W.M.P.
28112/2022 in WP.4830/2017 by NSKJ)

... Petitioner

Vs.

1.The Tamilnadu Electricity Generation and Distribution Corporation
Represented by its Chairman
Anna Salai, Chennai

2.The Assistant Engineer (O & M)
TANGEDCO (South)
Thiruvhengode, Namakkal District

3.P.S.Thangavel

(R3 impleaded as per order dated
15.06.2017 by MMSJ in WMP.14938/17
in WP.4830/17)

... Respondents



W.P.No.4830 of 2017

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the order passed by the 2nd respondent herein in proceedings No.Ka.No.UPO/O & M/T.gode/Co.Kattu/No.131/16 dated 28.06.2016 and quash the same and further direct the 2nd respondent herein to provide domestic electricity connection to the petitioner property situated at Door No.6/1, Raja Goundam Palayam, Thiruchengode, Namakkal District.

For Petitioner : Mr.T.L.Thirumalaisamy

For Respondents : Mr.I.Syed Sibghatulla for R1 & R2
Mr.V.R.Appaswamee, for R3

ORDER

The Writ Petition is filed under Article 226 of Constitution of India praying praying for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the order passed by the 2nd respondent herein in proceedings No.Ka.No.UPO/O & M/T.gode/Co.Kattu/No.131/16 dated 28.06.2016 and quash the same and further direct the 2nd respondent herein to provide domestic electricity connection to the petitioner property situated at Door No.6/1, Raja Goundam Palayam, Thiruchengode, Namakkal District.



W.P.No.4830 of 2017

WEB COPY

2.It is the case of the petitioner that he originally had 1/3rd share in the property and he has also purchased another 1/3rd share in the year 2001. However, despite the application submitted for supply of electricity connection, the same has been declined by the respondents merely on the ground that the petitioner's name is not tallied with the documents and also due to the pendency of the partition Suit in O.S.No.16 of 2016 on the file of the District Munsif Court, Tiruchengode.

3.Learned counsel for the 3rd respondent would submit that the petitioner has suppressed the material facts and a partition Suit is also pending before the District Munsif Court, Tiruchengode in O.S.No.16 of 2016. Therefore, there cannot be any electricity connection to the property.

4.The report of the 1st respondent indicated that the electricity connection to the property has been declined mainly on the ground that the house stands in the name of the petitioner's mother and the same has



W.P.No.4830 of 2017

been put in challenge in the partition Suit filed in O.S.No.16 of 2016.

Learned counsel for the 1st respondent also produced photographs of the house where the electricity connection is sought.

5.This Court during the last hearing had directed the parties to produce photographs of the house to show the nature of the building to which electricity connection is sought. It is also admitted by the 1st respondent that there is a house building in the property. Admittedly, the petitioner is a co-owner of the property, merely because a partition Suit is pending, others have objected the same is not the ground for rejecting or denying electricity connection. Normally, property or house tax receipts would stand only in the names of the family elders and we cannot expect the revenue records should always stand in the name of the each co-sharer.

6.Such view of the matter, the respondents are directed to give electricity connection to the petitioner. Merely obtaining electricity connection to the building will not give any right to the petitioner to



W.P.No.4830 of 2017

WEB COPY

claim exclusive possession or property or right in the property, which is subject to the outcome of the Suit pending in O.S.No.16 of 2016 on the file of District Munsif Court, Tiruchengode.

7. Therefore, the respondents are directed to give electricity connection and the electricity connection shall be effected subject to the payment of fee if any to be paid to the Electricity Board.

8. This Writ Petition stands allowed accordingly. Consequently, the connected miscellaneous petition is closed. No costs.

02.12.2022

kas

Index : yes / no

Internet : yes / no

Speaking / Non speaking

To

1. The Chairman

The Tamilnadu Electricity Generation and Distribution Corporation

Anna Salai, Chennai



WEB COPY



W.P.No.4830 of 2017

N.SATHISH KUMAR, J.

kas

2.The Assistant Engineer (O & M)
TANGEDCO (South)
Thiruvhengode,
Namakkal District

W.P.No.4830 of 2017

02.12.2022