



Writ Petition No.21401 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.11.2022

C O R A M

THE HONOURABLE Mr.JUSTICE N. SATHISH KUMAR

Writ Petition No.21401 of 2017

a n d

W.M.P.No.22381 of 2017

K.N.Gowtham

... Petitioner

Vs

1. The Divisional Engineer,
Tamil Nadu Electricity Board,
Perundurai Taluk, Erode District.
2. The Assistant Engineer, [Protection & Distribution],
Tamil Nadu Electricity Board, Kunnathur,
Uthukuli Taluk, Tiruppur District.
3. The Assistant Divisional Engineer,
Tamil Nadu Electricity Board, Kunnathur,
Uthukuli Taluk, Tiruppur District.
4. Nandakumar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to forbear the second and third respondents from giving electricity connection to the Survey No.126/1 [old



survey No.107] an extent of Punja hectare 0.65.0, R.S.No.126/2 [old survey No.106] an extent of Punja hectare 0.42.5 situated at Kunnathur Village, Oothukuli Taluk pending Writ petition.

For Petitioner ... Mr.S.Mohanraj
for P.Tamilavel

For respondents ... Mr.M.Abul Kalam – R1 to R3

No appearance – R4

ORDER

This Writ Petition has been filed to forbear the second and third respondent from giving electricity connection to the Survey No.126/1 [old survey No.107] an extent of Punja hectare 0.65.0, R.S.No.126/2 [old survey No.106] an extent of Punja hectare 0.42.5 situated at Kunnathur Village, Oothukuli Taluk.

2. The case of the petitioner is that the the property originally belonged to the petitioner's grand father Nallapa Nadar and he died on 17.11.1959 leaving behind his legal heirs namely Kathirvel Nadar and Natarajan Nadar, who is the father of the petitioner and his grand mother Ramayee Ammal.



During the life time of his grandfather, he executed a Will dated 16.07.1958 wherein A schedule had been allotted to Kathirvel Nadar and B schedule property was allotted to the father of the petitioner and C schedule property was allotted to the grandmother of the petitioner. After the death of his grandmother, as per the Will executed by her, the father of the petitioner and the said Kathirvel are in possession of their respective shares in the schedule of the Will. Hence, it the contention of the petitioner that a dispute arose amongst the legal heirs and a suit in O.S.No.485 of 2012 for partition and separate possession is pending between the parties. It is the further case of the petitioner that the fourth respondent is trying to get electricity connection. Hence, the present Writ Petition.

3. A perusal of the Writ Petition itself indicate that there is a suit pending between the co-owners. Merely getting electricity connection by one of the co-owner will not take away the right of other co-owners. Every co-owner has right in enjoying the joint family property. Such being the position, there cannot be any direction to the respondents not to give electricity connection to the co-owner of the property.



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4. Accordingly, this writ petition is dismissed. Consequently, the connected Miscellaneous Petition is closed.

11.11.2022

Index : Yes / No

Internet: Yes

Speaking/non speaking order

vrc

To

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3. The Assistant Divisional Engineer,
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N. SATHISH KUMAR, J

VIC

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