



W.P.(MD)No.26190 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.11.2022

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THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

W.P. (MD) No.26190 of 2022

D.Roja Durai

.. Petitioner

Vs.

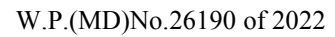
1.The Assistant Engineer,
Tamil Nadu Generation & Distribution
Corporation Limited (TANGEDCO),
Nanguneri Road, Kalakkadu-627 501,
Tirunelveli District.

2.D.Thothathiri

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the first respondent to take appropriate action against the second respondent and cancel the electricity service connection standing exclusively in the name of the second respondent for the property situated in Survey No.296/2C2 measuring 5.36 cents at Kalakkadu Village, Nanguneri Taluk, Tirunelveli District based on the petitioner's representation dated 07.10.2022.

For Petitioner : Mr.M.Kannan
For R1 : Mr.S.Deenadhayan
Standing Counsel



This Writ Petition has been filed for issuance of Writ of Mandamus, directing the first respondent to take appropriate action against the second respondent and cancel the electricity service connection standing exclusively in the name of the second respondent for the property situated in Survey No. 296/2C2 measuring 5.36 cents at Kalakkadu Village, Nanguneri Taluk, Tirunelveli District based on the petitioner's representation dated 07.10.2022.

2.Heard Mr.M.Kannan, learned counsel for the petitioner and Mr.S.Deenadhayalan, learned Standing Counsel, who takes notice for the first respondent. Considering the nature of order proposed to be passed in this writ petition, notice to the second respondent is dispensed with. By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

3.The grievance of the petitioner is that the petitioner and the second respondent are brothers. They are living in a joint family property. But the service connection for the said joint family property is only in the name of the second respondent.



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4. The learned counsel for the petitioner submitted that the property in Survey No.296/2C2 measuring to an extent of 5.36 cents at Kalakkadu Village, Nanguneri Taluk, Tirunelveli District is the joint family property purchased by the father of the petitioner in the year 1998. After his demise, the petitioner came to know that the electricity service connection is in the name of the second respondent. Hence, the petitioner made a representation to the first respondent as if the second respondent managed to get the electricity service connection in his name by forging documents and the signature of the petitioner. But the first respondent has not taken any action. Hence, the petitioner has filed the present writ petition.

5.The learned Standing Counsel appearing for the first respondent submitted that the claims of the petitioner that since the petition mentioned property is the joint family property, the electricity service connection could not be in the name of his brother alone and the same was obtained by forging the documents are the matter for adjudication before the civil Court. The first respondent only based on the documents had granted electricity service connection in the name of the second respondent.



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6. Admittedly, the petition mentioned property is the joint family property. The service connection in the name of the second respondent was granted long time ago. The petitioner and the family members enjoyed the same for all these years. Now the petitioner has come up with the case that the second respondent has forged his signature for obtaining service connection. Further he came to know about the issue way back in the year 2016. But the petitioner has not given any representation to the first respondent regarding cancellation of electricity service connection for nearly six years. He had submitted his representation only on 17.10.2022. This would imply that the petitioner has not come up before this Court with clean hands.

7. The petitioner and the second respondent are brothers and according to the petitioner, the subject property is the joint family property. If at all the petitioner is aggrieved by grant of electricity service connection in the name of the second respondent, it is very well open to the petitioner to approach the authorities concerned seeking electricity service connection in his name, as the petitioner is one of the co-owners of the joint family property. Despite doing so, the petitioner has approached this Court with the aforesaid prayer, which cannot be considered by this Court.



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WEB COPY 8. For the foregoing reasons, this Writ Petition is dismissed. It is needless to mention here that the petitioner is at liberty to approach the authorities concerned seeking electricity service connection in his name by producing all the necessary documents. No costs.

21.11.2022

Index : Yes/No
Internet : Yes/No
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To

The Assistant Engineer,
Tamil Nadu Generation & Distribution
Corporation Limited (TANGEDCO),
Nanguneri Road, Kalakkadu-627 501,
Tirunelveli District.



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V.BHAVANI SUBBAROYAN, J.

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Order made in
W.P.(MD) No.26190 of 2022

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