



WEB COPY



WP No. 4370 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2023

CORAM

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

Writ Petition No.4370 of 2020
and
W.M.P. No.5171 of 2020

R. Ulagaperoli

.. Petitioner

Versus

1. The Executive Engineer,
TANGEDCO, (O & M),
Theradi street, Karunguzhi,
Maduranthagam Taluk,
Kancheepuram District.
2. The Assistant Engineer,
TANGEDCO, (O & M),
Theradi street, Karunguzhi,
Maduranthagam Taluk,
Kancheepuram District.

3. V. Sangeetha

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the petitioner's application, ref. No.200095221119408, dated 20.11.2019, seeking supply of Low Tension Energy, under the category of Industries – Non-Metro, without insisting any documents from owner and in furtherance of the order passed in I.A. No. 517/2014 and 1119/2014 in O.S. No.207/2014, dated 14.8.2014 by the District Munsif Court, Maduranthagam.



WEB COPY



WP No. 4370 of 2020

For Petitioner
For Respondents

: Mr.P.Thiagarajan
: Mr. L. Jaivenkatesh for R1 & R2
Mr. I. Abrar Md.Abdullah for R3

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to consider the petitioner's application in Ref. No.200095221119408, dated 20.11.2019, seeking supply of Low Tension Energy, under the category of Industries – Non-Metro, without insisting any documents from owner and in furtherance of the order passed in I.A. No.517/2014 and 1119/2014 in O.S. No.207/2014, dated 14.8.2014 by the District Munsif Court, Maduranthangam.

2. It is the case of the petitioner that earlier he started a proprietorship concern, which has been subsequently converted into a partnership firm and the third respondent was the another partner of the said partnership firm. The third respondent is none other than the wife of the petitioner and they entered into an agreement of partnership deed, registered vide Registration No.625 of 2007 and the same has been renewed periodically. While so, in the year 2014, due to a dispute between the petitioner and the 3rd respondent the business activities has come to a grinding halt and which lead to failure in payment of electricity charges, thereby electricity connection was disconnected. Later, the 3rd respondent filed a suit in O.S. No.207 of 2014 on the file of District Munsif



WP No. 4370 of 2020

Court, Madhuranthagam and consequently two interim applications have been filed, one by the petitioner and another by the 3rd respondent in I.A. No.17 of 2014 and 1119 of 2014 . In the aforesaid two applications, a common order has been passed by the District Munsif, Madhuranthagam, thereby refusing to grant injunction in favour of the petitioner. Thereafter, he filed application before the respondents seeking electricity connection on 20.11.2019 and the 2nd respondent in turn sent a communication to produce certain documents. Subsequently, he produced SSI Certificate and LT Agreement as well as a copy of the civil court order and expressed his inability to produce documents viz., Land Revenue Documents and NOC from the joint owner, who is the 3rd respondent. While so, due to such non production of aforesaid documents, the respondents did not consider the application dated 20.11.2019 submitted him for supply of electricity connection. In such circumstances, this writ petition has been filed with the aforesaid prayer.

3. Learned counsel for the petitioner submitted that the petitioner and the 3rd respondent are husband and wife. Due to matrimonial dispute, their relationship ended in dissolution of marriage, whereas there exists a partnership relationship. More so, due to such disputes, the petitioner could not get No Objection Certificate from the 3rd respondent, which is required by the 2nd respondent for sanctioning electricity connection. Further, he submitted that the



WP No. 4370 of 2020

petitioner is running his business from the year 1996 as a Proprietor, whereas, the partnership agreement entered between him and the 3rd respondent in the year 2007. That being the position, the assets of that business belongs to the petitioner alone. He further submits that it would suffice, if this Court issues directions to the respondents to consider his application, dated 20.11.2019 seeking for electricity connection without insisting for further documents, within a time frame to be fixed by this Court.

4. Learned counsel for the respondents 1 and 2 submits that only on production of documents required by the official respondents, the petitioner's application seeking for electricity connection would be considered. Hence, he prays for issuance of appropriate directions in the above regard.

5. Learned counsel for the 3rd respondent submits that the 3rd respondent filed H.M.O.P. No.3399 of 2014 on the file of the V Additional Family Court, Chennai and obtained an exparte decree of dissolution of marriage on 21.09.2021, thus, the matrimonial relationship between the petitioner and the 3rd respondent has come to an end. Further, he submits that the property for which electricity connection sought for belongs to the 3rd respondent and a suit in O.S. No.207 of 2014 is pending before the District Munsif Court, Madhuranthagam. Also, he submitted that partnership between the petitioner and the 3rd respondent



WP No. 4370 of 2020

was terminated and the said fact was also communicated to the Registrar of Firms, Chennai – 14 vide 3rd respondent's letter dated 06.02.2023. On the aforesaid score, he prays for dismissal of this writ petition.

6. Heard the learned counsel on either side and perused the material placed on record.

7. Admittedly, there was a matrimonial relationship between the petitioner and the 3rd respondent and due to their wedlock, they have been blessed with three children. However, on the basis of orders passed in H.M.O.P. No.3399 of 2014, the said relationship ended in divorce. It is an undisputed fact that there was a partnership agreement between the petitioner and the 3rd respondent and on perusal of records, it reveals that the said relationship as partners was terminated viz., letter dated 06.02.2023 by the 3rd respondent to the Registrar of Firms, Chennai. From the records, it reveals that there was a disputed questions of fact involved in respect of the subject property, where electricity connection is sought for. A bare perusal reveals that a suit in O.S. No.207 of 2014 is pending before the District Munsif Court, Madhuranthagam for the appropriate relief, whereas the 3rd respondent has not obtained any injunction order.



WP No. 4370 of 2020

8. For the aforesaid reasonings, the petitioner is not entitled for the relief sought for in this writ petition and thus, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

18.04.2023

Index: Yes/ No
Speaking order / Non speaking order
Neutral citation : Yes / No
vsi2

To
1. The Executive Engineer,
TANGEDCO, (O & M),
Theradi street,
Karunguzhi,
Maduranthagam Taluk,
Kancheepuram District.

2. The Assistant Engineer,
TANGEDCO, (O & M),
Theradi street,
Karunguzhi,
Maduranthagam Taluk,
Kancheepuram District.



WEB COPY



WP No. 4370 of 2020

M.DHANDAPANI, J.

vsi2

W.P. No.4370 of 2020

18.04.2023