



W.P.No.19981 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2023

CORAM

MR.JUSTICE N.SESHASAYEE

W.P.No.19981 of 2023

D.Rathinam @ Kanagarathinam

... Petitioner

Vs.

1.The Superintending Engineer
Tamil Nadu Electricity Generation and
Distribution Company (TANGEDCO)
Tiruppur

2.The Assistant Executive Engineer (O & M)
Tamil Nadu Electricity Generation and
Distribution Company (TANGEDCO)
Uthukuli Circle
Uthukuli Town 638 751

3.K.Venkatachalam

... Respondents

PRAYER: The writ petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, to direct the respondents 1 and 2 herein to consider petitioner's representation dated 18.05.2023 and not to effect service connection in any of the properties shown in the representation within time fixed by this court.



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For Petitioner : Mr.S.Kaithamalai Kumaran

For Respondents : Mr.C.Jai Venkatesh
Standing counsel, TNEB for R1 & R2

ORDER

By consent, this writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner herein is a co-sharer along with the 3rd respondent and she has now filed this writ petition seeking a direction to the 1 and 2 respondents to consider her representation. Through the representation, the petitioner requires the 1 and 2 respondents not to provide electricity connection to the 3rd respondent with regard to some property of which the petitioner is also a co-sharer.

3.Mr.C.Jaivenkatesh, the learned standing counsel takes notice for the respondents 1 and 2.

4.Learned counsel for the petitioner submits that a partition suit in O.S.No.15 of 2015 is pending before Sub-Court, Avinashi. This suit was



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filed sometime in 2009 before Sub-Court, Perundurai. The learned counsel further submitted that the 3rd respondent by obtaining electricity connection is proposing to let out the buildings for commercial purposes and would enrich himself unlawfully with the income that it may generate.

5.A property in co-ownership requires maintenance, and if income could be augmented that would benefit not only the 3rd respondent but the petitioner as well. Therefore, this court does not consider it appropriate to reject electricity connection to the 3rd respondent. After all, the petitioner is not without a remedy and can approach the Sub-Court, Avinashi where O.S.No.15 of 2015 is pending for conserving any such income that are collected by the 3rd respondent. But the acrimony, which the parties share vis-a-vis the partitioning of the property cannot allow to be spilled over in matters such as obtaining electricity connection which is detrimental to the interest of all the co-sharers of the property.

6. Since the suit was filed as early as in 2009, the Sub Court Avinashi is

N.SESHASAYEE, J.



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directed to expedite the trial of the suit and dispose of the same within a period of four (4) months from today.

7.The writ petition is accordingly disposed of. No costs.

07.07.2023

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Index : Yes / No

Neutral Citation : Yes / No

Note: Issue order copy on 10.07.2023

To

1.The Superintending Engineer
Tamil Nadu Electricity Generation and
Distribution Company (TANGEDCO)
Tiruppur

2.The Assistant Executive Engineer (O & M)
Tamil Nadu Electricity Generation and
Distribution Company (TANGEDCO)
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