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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2023

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No. 24934 of 2022

S.Bharathi

.. Petitioner

Vs.

1.The Commissioner of Revenue Administration,
Chepauk,
Chennai – 600 005.

2.The District Collector,
Pudukottai District,
Pudukottai.

3.The District Revenue Officer,
Pudukottai.

4.The Sub-Collector,
Pudukottai.

5.The Tahsildar,
Gandarvakottai Taluk,
Gandarvakottai,
Pudukottai District.

6.Kasthuri

7.Radha

8.Mythili



9.The Executive Engineer,
Operation and Maintenance,
TANGEDCO,
Pudukottai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 9th respondent to give electricity power connection in the name of the petitioner herein in respect of the following landed properties situated in Survey Nos.296/4 and 106/5 in Maganur Village, Gandharvakottai Circle, Pudukottai District.

For Petitioner	.. Mr.M.Ravi
For R1 to R5	.. Mr.U.Bharanidharan, Additional Government Pleader.
For R7 to R8	.. Mr.P.Chinnadurai
For R9	.. Mr.D.Suresh Kumar, Standing Counsel
For R6	.. No appearance

ORDER

This writ petition has been filed in the nature of a Mandamus seeking a direction to the 9th respondent, the Executive Engineer, Operation and Maintenance, TANGEDCO, Pudukottai, to grant electricity service



connection in the name of the petitioner for the property at S.Nos.296/4 and 106/5 in Maganur Village, Gandharvakottai Circle, Pudukottai District.

2.The said property originally belonged to the father of the petitioner herein, namely, S.Krishnamoorthy. Quite apart from the petitioner, the 6th, 7th and 8th respondents namely, Kasthuri, Radha and Mythili are also children of S.Krishnamoorthy.

3.It is the contention of the petitioner herein that the property had been purchased with the joint funds of the petitioner and her father, but however, the sale deed is in the name of the father. It is also contended that the father had executed a Will in the name of the petitioner herein.

4.It is stated that TOS.No.18 of 2004 is now pending on the file of the original side of this Court. Naturally, the Will has not yet been proved in manner known to law and till it is proved, the petitioner cannot claim exclusive title over the property. It is not a question of any of the other respondents consenting to grant of electricity connection, but, it is an issue of the petitioner seeking electricity connection ousting the other claimants to the property. By this grant of electricity connection, the scales might change so far as consideration of other issues in the Testamentary and Original Suit is concerned.



5. Therefore, it would only be advisable that the 9th respondent awaits finality of the decision rendered in TOS.No.18 of 2004 and then take a decision to grant electricity connection. If at all the other claimants to the property or the children of the S.Krishnamoorthy, give no objection, then the 9th respondent can consider the grant of electricity connection, but the individual application by the petitioner will certainly not suffice. Let the petitioner await the result of the test of proof of the Will, which is now under the consideration of the Original Side of this Court and thereafter, make a fresh application in accordance with the decision rendered therein.

6. With the above observations, this writ petition stands dismissed for the present, giving liberty to the petitioner to approach the Court again, in case, she obtains a favourable order in the Testamentary and Original Suit.

22.02.2023

Index: Yes/No
Internet: Yes/No
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To



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C.V.KARTHIKEYAN,J.



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