



W.P.No.31844 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.31844 of 2024

K.Kumar

... Petitioner

VS.

1.The Chief Assistant Engineer,
Tamil Nadu Electricity Board
(Operation & Maintenance),
Kannankurichi, Salem – 8

2.The Chief Executive Engineer, Salem East,
Tamil Nadu Power Generation and
Distribution Corporation,
K.N.Colony, Odiyapatti,
Bypass Division Road, Salem – 14.

3.The Chief Superintend Engineer,
Tamil Nadu Power Generation and Distribution Corporation,
K.N.Colony, Odiyapatti,
Bypass Division Road, Salem – 14

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents to provide



W.P.No.31844 of 2024

electricity connection to the Newly constructed house of Petitioner and his brother K.Gnanasekaran sitaute at Survey No.217/1A Kannankurichi Village, Salem District.

For Petitioner : Mr.E.Hariharan

For Respondents : Mr.Syed Sibgathullah

ORDER

The petitioner herein seeks a direction to the respondents to provide electricity service connection to the newly constructed house situated at Survey No.217/1A, Kannankurichi Village, Salem District.

2. It is the case of the petitioner that the above mentioned property originally belonged to the petitioner's great grandfather namely Ariyaputhira Goundar. He had a son namely Ponnusamy Goundar. The said Ariyaputhira Goundar executed a registered Will on 02.08.1967 bequeathing the subject property in favour of his grandsons namely P.Kuppusamy, P.Rajamanickam, P.Rajarathinam, P.Rajagopal and P.Selvaraj. After the death of Ariyaputhira Goundar on 20.12.1982, the Will came into force and petitioner's father



W.P.No.31844 of 2024

P.Kuppusamy along with his brother became the absolute owners of the property. The brothers of the petitioner's father namely P.Selvaraj and P.Rajamanickam constructed various houses in the subject property and also obtained electricity service connection. Even during the life time of petitioner's father, he constructed new house on the eastern side of the tiled house, which he already built. However, before completion of construction, he died on 14.09.2020.

3. It is the further case of the petitioner that after death of petitioner's father, his brother P.Selvaraj started claiming right over the property constructed by his father. He also executed various documents covering the subject property. Therefore, the petitioner filed a civil suit for partition in O.S.No.397 of 2020 on the file of the District Court, Salem. In the said suit, the petitioner also sought for a declaration that various documents executed by other co-owners are null and void. In these circumstances, the petitioner has come before this Court seeking a direction to respondents to provide electricity service connection to the newly constructed house.



W.P.No.31844 of 2024

4. Even as per the averments found in the writ affidavit, a civil suit is pending between the petitioner and other co-owners wherein he also challenged the validity of the registered documents executed by co-owners.

5. In such circumstances, this Court is not inclined to entertain this writ petition and the same is dismissed. However, it is open to the petitioner to file appropriate application before the Civil Court seeking necessary direction for getting electricity service connection. No costs.

19.11.2024

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
dm



W.P.No.31844 of 2024

To

WEB COPY

- 1.The Chief Assistant Engineer,
Tamil Nadu Electricity Board
(Operation & Maintenance),
Kannankurichi, Salem – 8
- 2.The Chief Executive Engineer, Salem East,
Tamil Nadu Power Generation and
Distribution Corporation,
K.N.Colony, Odiyapatti,
Bypass Division Road, Salem – 14.
- 3.The Chief Superintend Engineer,
Tamil Nadu Power Generation and Distribution Corporation,
K.N.Colony, Odiyapatti,
Bypass Division Road, Salem – 14



WEB COPY



W.P.No.31844 of 2024

S.SOUNTHAR, J.

dm

W.P.No.31844 of 2024

19.11.2024