



W.P.No.11542 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 06.01.2025

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.11542 of 2020
and WMP.No.14114 of 2020

Nagappan

vs.

1.The Assistant Engineer (O & M),
TANGEDCO,
West Villages/Avanashi,
Tiruppur District.

2.Poonnathal

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the impugned notice of the 1st respondent in Proceedings Ka.No.UmiPo/E&Pay/Ki/May/Avi/Vaai/file petition/Aa.No/54/2020-21, dated 24.07.2020 and to quash the same.

For Petitioner	: M/s.V.Anandha Murthy
For R1	: Mr.L.Jaivenkatesh Standing Counsel Tamil Nadu Electricity Board
For R2	: M/s.Balaji Thirumoorthy

ORDER



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This writ petition is filed challenging the order passed by the first respondent directing the petitioner to submit his explanation regarding the objection raised by the petitioner's sister/second respondent herein regarding the application submitted by the petitioner for service connection.

2. It is the case of the petitioner that his father Karuppagounder was original owner of property situated in S.F.No.49/1C and 49/2, Naduvacherry Village, Tiruppur District. The petitioner's father died in the year 1986 and petitioner's brother viz., Palanisamy died in the year 1987 and after their demise, all the four sisters of the petitioner released their shares in favour of petitioner on 06.07.1996 and the petitioner applied for free Electric Service Connection for agriculture.

3. The second respondent herein who is none other than one of the sisters of the petitioner filed a suit for partition in O.S.No.676 of 2012 on the file of the District Munsif Court, Avinashi, against the petitioner claiming share in the above mentioned property. She also made an objection before the first respondent objecting the grant of service connection in favour of the petitioner. Based on the objection raised by the second



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respondent, the first respondent issued impugned order directing the petitioner to submit his explanation regarding the objection raised by the second respondent. Aggrieved by the same, the petitioner has come before this Court.

4. The learned counsel appearing for the petitioner submits that admittedly, the petitioner is a co-owner of the property seeking electricity service connection for doing agriculture and it is for the benefit of the entire property. Therefore, merely because one of the co-owner made an objection, the first respondent kept the processing of his application in abeyance. The learned counsel for the petitioner would also submit that his client is ready to execute Indemnity Bond as demanded by the first respondent.

5. The learned counsel appearing for the petitioner would submit that since one of the co-owner made an objection regarding grant of service connection to the petitioner, the petitioner was directed to submit his explanation and it is for the petitioner to submit appropriate explanation.



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6. The learned counsel appearing for the second respondent

WEB COPY would submit his client has already instituted a suit for partition claiming share in the above mentioned property. Therefore, pending suit, the electricity service connection should not be given to the petitioner.

7. Giving electricity service connection to an agricultural land for the purpose of cultivation is an improvement of his property and the same is for the benefit of all co-owners. Therefore, merely because a partition suit is pending among the co-owners, the first respondent ought not to have refused electricity service connection. It is made clear that the service connection given to the above mentioned property is not only for the benefit of the petitioner, but it is also for the benefit of all the co-owners. Any electricity service connection granted to the above mentioned property at the request made by the petitioner is subject to the result of the partition suit. The petitioner is not entitled to claim any equity in pending partition suit as far as service connection is concerned.

8. In view of the same, the first respondent is directed to get



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necessary Indemnity Bond from the petitioner and give electricity service connection for the benefit of the above mentioned property, if the application submitted by the petitioner is otherwise in order within a period of six weeks from the date of receipt of copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

06.01.2025

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

The Assistant Engineer (O & M),
TANGEDCO,
West Villages/Avanashi,
Tiruppur District.



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S.SOUNTHAR, J.

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