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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2025

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THE HONOURABLE **Mr.JUSTICE N. ANAND VENKATESH**

W.P.No.32399 of 2023

K.Kumar

.. Petitioner

Vs.

- 1.The Chief Engineer
Tamil Nadu Generation and
Distribution Corporation Ltd.,
(TANGEDCO)
Kallakurichi Distribution Circle
Kallakurichi District.
- 2.The Executive Engineer
Tamil Nadu Generation and
Distribution Corporation Ltd.,
(TANGEDCO)
Sithalingamadam
Kallakurichi District.
- 3.Junior Engineer
Operation & Maintenance
Tamil Nadu Generation and
Distribution Corporation Ltd.,
(TANGEDCO)
North Street, Sithalingamadam
Kallakurichi District-625803.

4.Mrs.Indra

.. Respondents



Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the proceedings of the 3rd respondent herein passed in க.எண்.இ.மி.பொ.இ.ப/நகரம்-1/திருக்.ந.க.கோ.வி.வி/அ.எண்.287/2023, dated 19.09.2023 and quash the same and direct the 3rd respondent to give electricity service connection to the petitioner's Well in survey No.40/9B for his agricultural land based on his father's application No.843, dated 26.12.2006.

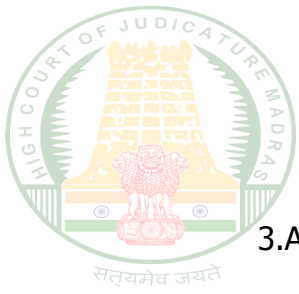
For Petitioner : Mr.K.Gangadaran

For Respondents : Ms.Vanmathi
for Ms.Daniel Mary, R1 to R3
Mr.P.K.Sabapathi for R4

ORDER

This writ petition has been filed challenging the impugned proceedings of the 3rd respondent dated 19.9.2023 and for a consequential direction to the 3rd respondent to give free agricultural electricity service connection for the Well situated in the subject property.

2.The case of the petitioner is that his father applied for free electricity service connection in the year 2006. He died on 22.03.2013 leaving behind his wife and three children. The petitioner and the 4th respondent are brother and sister and apart from them there are two other legal heirs and in total five legal heirs were left behind by the deceased Kaliyaperumal on 22.3.2013.



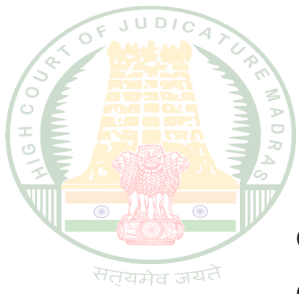
3. After the demise of the father, the petitioner was prosecuting the application and the 3rd respondent through the impugned proceedings dated 19.9.2023 refused to grant electricity service connection mainly on the ground that the 4th respondent objected and there is a suit pending in OS.No.114 of 2018, on the file of the II Additional District Munsif Court, Thirukovilur. Aggrieved by the same, the present writ petition has been filed before this Court.

4. The respondents 1 to 3 have filed a counter affidavit and they have taken the following stand in the counter affidavit.

4. I submit that the father of the Petitioner namely Mr.Kaliyaperumal had applied for the Agricultural Service Connection and the same was considered in the order of seniority and sanctioned. I submit that the said Mr.Kaliyaperumal seems to have passed away and the Petitioner herein who is one of the legal heir is seeking for the service connection in his name based on the Application of his father alleging that he is the owner of the property.

5. I submit that the 4th Respondent herein namely Mrs.Indra has given her objections for sanctioning the agricultural connection to the Petitioner claiming that she is also a legal heir of deceased Mr. Kaliyaperumal and is entitled to the same. I submit that the 4th Respondent has also filed the suit [O.S.No. 114](#) of 2018 before the District Munsiff Court, Thirukovilur against the Petitioner herein for partition of her share in her father's property.

6. I submit that in case of a death of a person owning a service connection, the same can be transferred jointly to the name



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of all legal heirs or to the name of a single legal heir in case the other legal heirs jointly consent for the same. I submit that the Regulation 5(7) of the Tamil Nadu Electricity Supply Code provides that every application for transfer of name consequent to the death of the consumer shall be accompanied by a legal heirship certificate from the Tahsildar concerned or proof of ownership such as local body tax receipts and no objection certificate from other legal heirs, if any, (or) an indemnity bond to show the status of other legal heirs or fresh application with fee to be specified by the Commission and agreement form. I submit that though the Petitioner produced the legal heirship certificate, he failed to produce the consent from the other legal heir for granting agricultural service connection based on his fathers application dated 26.12.2006.

7. I further submit that when there is an express objection from one of the legal heir namely the 4th Respondent herein and admittedly when a civil suit is pending between the Petitioner and the 4th Respondent, the Respondents 1 to 3 rightly rejected the representation of the Petitioner to grant the service connection in his name alone. I submit that the Respondents had duly intimated the Petitioner that the service connection can be grant only when the dispute between the petitioner and the 4th Respondent is resolved by an Order of the Court.

5.The 4th respondent has also filed a counter affidavit and the 4th respondent has taken a stand that she is entitled for 1/5th share in the property but however her brothers have refused to give any share in the property and therefore she has filed a suit for partition in OS.No.114 of 2018, before the II Additional District Munsif Court,



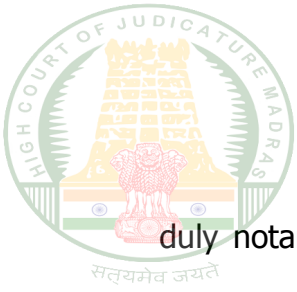
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Thirukovilur and sought for allotment of 1/5th share in the property. In the meantime, the petitioner with the help of other brothers created documents only with an intention to defeat the rights of the 4th respondent. It is under these circumstances, the 4th respondent gave objections not to grant any service connection in the name of the petitioner.

6. Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondents.

7. The service connection was originally sought for by the father of the petitioner. Therefore, if any transfer is sought for, the mandate under Regulation 5(7) of the Tamil Nadu Electricity Supply Code has to be fulfilled. The said regulation provides that a legal heirship certificate from the Tahsildar must be produced and that apart, no objection certificate from other legal heirs or an indemnity bond must be executed and the same will be acted upon by the Electricity Department in order to effect the name transfer.

8. In the case in hand, the legal heirship certificate is available but however the 4th respondent is not willing to give no objection. The learned counsel for the petitioner submitted that the petitioner will give an indemnity bond in a non-judicial stamp paper



duly notarised to show the status of the other legal heirs and that the same can be acted upon by the department.

9. In the considered view of this Court, such an indemnity bond can be given in a case where the status of the other legal heirs has to be established before the Electricity Board. In the case in hand, the 4th respondent being the daughter of the deceased Kaliyaperumal is specifically seeking for 1/5th share in the property. Therefore, she is objecting to grant of electricity service connection in the name of the petitioner. This objection cannot be got over by merely giving an indemnity bond.

10. The learned Standing Counsel appearing on behalf of the Electricity Board submitted that already the seniority has been reached and for the purpose of processing the application, no objection is required from the 4th respondent.

11. In the considered view of this Court, free agricultural electricity service connection was applied in the year 2006 by the petitioner's father and during the crucial stage, there is a dispute among the family members. If this dispute continues, the petitioner and the 4th respondent will lose their opportunity of getting free agricultural electricity service connection. Ultimately, it will not enure to the benefit of anyone.



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12. In view of the above, there shall be a direction to the 3rd respondent to effect the transfer of electricity service connection in the name of all five legal heirs of late Kaliyaperumal. The 4th respondent shall also provide the necessary documents required before the 3rd respondent. On completing the entire formality, the agricultural electricity service connection shall be transferred in the name of all the five legal heirs whose names are found in the legal heirship certificate and the connection shall be effected. This process shall be completed by the 3rd respondent within a period of eight weeks from the date of receipt of copy of the order.

In the result, this writ petition is disposed of with the above directions. No costs.

05.08.2025

Index : Yes/No
Neutral Citation : Yes/No
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N. ANAND VENKATESH, J.

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To

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