

W.P.No.37900 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED :23.04.2025

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THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Writ Petition No.37900 of 2024

Mr.G.Arunachalam.

... Petitioner

/versus/

1. The Assistant Engineer,
Tamil Nadu Generation & Distribution Corporation Limited (TANGEDCO)
Distribution Office,
Bukkathurai,
Madurathakam Taluk,
Kanchipuram District.

2. Mr.V.Lakshmi Narayanan,
Son of N.Venkata Varadhan,
Having office at No.7,
Pillayar Kovil Street Nesapakkam,
Chennai- 600 078.

Also at Old No.9, New No.15, 4th Cross Street Gokul Nagar,
Raja Kilpakkam,
Chennai – 600 073.

... Respondents

Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to issue separate new electricity service connection for the petitioner's share of the property at No.12, Palliagaram Village- 603 107, comprised in Old survey No.42/3, New Survey No.42/3B and old Survey No.42/4 and new survey No.42/4B, bearing patta No.689 in a time bound manner.



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For Petitioner :Mr.V.Kuberan

For Respondents :Mr.L.Jaivenkatesh, (TANGEDCO), for R1
Mr.Umashankar, for R2

ORDER

The writ petition is filed for a mandamus directing the first respondent to issue a separate new electricity service connection for the petitioner's share of the property at No.12, Palliagaram Village- 603 107, comprised in Old survey No.42/3, New Survey No.42/3B and old Survey No.42/4 and new survey No.42/4B, bearing patta No.689 in a time bound manner.

2. Upon hearing the Learned Counsel for the petitioner, the grievance of the petitioner is that the petitioner purchased 50% undivided share in the said property and he is also in occupation of the said property. The property is in the nature of Industrial shed admeasuring about 30,000 sq.ft. While there is a connection in respect of the said premises in the name of the second respondent, the petitioner being the 50% shareholder is also entitled for connection in his own name and therefore, he made the application. When the



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application is made, the same is now rejected by the respondents on the strength of the objection that is made by the second respondent. Even if a co-owner objects, the respondents have to get an Indemnity Bond and effect the connection and the connection itself cannot be denied.

3. Per Contra, the Learned Counsel appearing on behalf the first respondent would submit that apart from the fact that there is a co-owner issue, the shed is one single physical structure. So long as the property is a one single structure only one connection will be granted. The connection is now stands in the name of the other Co-owner of the property namely, Mr.V.Lakshmi Narayanan. Unless the property is divided or physically segregated, the second connection cannot be granted. That is also one of the reason for refusing the connection. She should also further submit that the application has since been closed.

4. Mr.Umashankar, Learned Counsel appearing on behalf the second respondent would submit that in this case there is also a scramble for possession. The tenant was vacated by the petitioner being the 50% shareholder and he is having the key. While the electricity connection stands in the second respondent name, he is not objecting to the petitioner using the said connection.



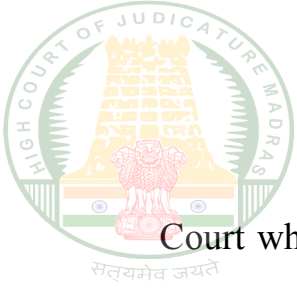
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According to the learned counsel for the second respondent, the action of

obtaining the electricity connection should not be used as a tool to prove possession.

5. I have considered the rivals submissions that are made and perused the material records of the case.

6. The submission made by the Learned Counsel for the petitioner is that if the petitioner owns 50% of the property, he is also entitled for a connection in his name. However, the stand that is taken by the first respondent is that when the Industrial godown is one property, they will normally grant only one connection in respect of the same. Therefore, it would be open for the petitioner to physically segregate his 50% of the property and thereafter make a fresh application. On such fresh application is made, it would be open for the first respondent to inspect the property and if there is a specific physical segregation, then they can take such Indemnity Bond as per the Rules and effect the connection. It is also observed that the said action of obtaining the electricity connection cannot be put against the second respondent with reference to the question of title or possession that is large before the Civil Court and the parties will be entitled to make their submissions before the Civil



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Court which will be considered on its own merits, *dehors* the action of getting the electricity connection. It would also be open for the parties to move the Civil Court for any interim order and if any, interim order is passed by the Civil Court, then the first respondent will abide by the Civil Court order.

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

23.04.2025

Neutral citation: No.
bsm

To,
1. The Assistant Engineer,
Tamil Nadu Generation & Distribution Corporation Limited (TANGEDCO)
Distribution Office,
Bukkathurai,
Madurathakam Taluk,
Kanchipuram District.

2. The Government Pleader, High Court, Madras.



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D.BHARATHA CHAKRAVARTHY, J.

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