IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.08.2015

CORAM

THE HON'BLE MR. JUSTICE N.KIRUBAKARAN

W.P.No.18359 of 2015

K.Subramani ...Petitioner

Vs.

1. The Executive Engineer,
   Operation and Maintenance,
   Tamil Nadu Electricity Generation
   and Distribution Corporation,
   Udumalpet, Tiruppur District.

2. The Assistant Engineer,
   Operation and Maintenance,
   Tamil Nadu Electricity Generation
   and Distribution Corporation,
   Vadugapatti - 642 106,
   Tiruppur District.

3. Dhanalakshmi

4. Sellamuthu ...Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of Mandamus directing the respondents 1 and 2 to grant electricity service connection to the petitioner's well in S.F.No.913/2, Kumarapalayam Village, Dharapuram Taluk, Tiruppur District by rejecting the objection raised by the respondents 3 and 4 for drawing E.B.lines across the public cart track by processing the petitioner's Application No.004408 dated 01.08.2014 and legal notice dated 08.05.2015.

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For Petitioner : Mr.N.Manokaran

For Respondents 1 & 2 : Mr.S.K.Rameeshuwar
Standing Counsel for TNEB

For Respondents 3 & 4 : Mr.N.Umapathi

ORDER

The petitioner has sought for a Writ of Mandamus directing the respondents 1 and 2 to grant electricity service connection to his Bore Well in S.F.No.913/2, situate in Kumarapalayam Village, Dharapuram Taluk, Tiruppur District by rejecting the objection raised by the respondents 3 and 4 for drawing E.B.lines across the public cart track by processing the petitioner's Application No.004408 dated 01.08.2014.

2. The petitioner contends that he is an agriculturist and he applied to the first and second respondents for electricity service connection for agricultural purpose to his Bore Well erected in S.F.No.913, in Kumarapalayam Village. The said property was obtained by the petitioner from his father and cousins on 4.6.1964. The application of the petitioner was processed and the first respondent granted sanction for the electricity service connection through the proceedings dated 22.12.2014. Thereafter, the third respondent and fourth respondent raised objections to draw electricity lines across their property. The petitioner submitted a petition dated 5.12.2014 to the Tahsildar, Dharapuram to issue a certificate as to the classification of the lands in S.F.No.975. After verifying the records, the Revenue Inspector, Moolanur and the Village Administrative Officer, Kumarapalayam Village, have issued certificates stating that the property comprised in S.F.No.975 is Odai Poramboke and it is not the property of the third and fourth respondents. Even for deviation of route, the second respondent sent a communication dated 8.1.2015 asking the petitioner to pay a sum of Rs.44,730/- as per re-valuation. Accordingly, the said amount was also paid. since the respondents 3 and 4 objected to the installation of electricity poles, the respondents 1 and 2 are not giving service connection to the petitioner's Bore Well.

3. Heard Mr.N.Manokaran, learned counsel for the petitioner and Mr.S.K.Raameshuwar, learned standing counsel for respondents 1 and 2 and Mr.Umapathi, learned counsel for the respondents 3 and 4.

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4. It is seen from the records that the petitioner is holding the lands and a Bore Well in Survey No.913, situate in Kumarapalayam Village, and to get electricity service connection, electricity poles are to be erected either across the third and fourth respondents' property or through Odai Poramboke. Since the third and fourth respondents objected to draw lines across their lands, original route has been changed and a sum of Rs.44,730/- towards deviation charges was also raised in the name of the petitioner and the petitioner also paid the amount. Since the Odai Poramboke is situate in S.F.No.975 and the third and fourth respondents' lands are situate in S.F.Nos.979 and 974, there is no problem for the respondents 3 and 4 in erecting poles in Survey No.975 and giving electricity service connection to the petitioner's Bore Well. The third and fourth respondents' objections were rightly considered and thereafter, the route has been changed and poles are erected in S.F.No.975. No prejudice is caused to the third and fourth respondents.

5. In view of that, the first and second respondents are directed to give electricity service connection to the petitioner's Bore Well through Odai Poramboke in S.F.No.975 within a period of three weeks from the date of receipt of a copy of this order. The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

asvm

To

1. The Executive Engineer,
   Operation and Maintenance,
   Tamil Nadu Electricity Generation
   and Distribution Corporation,
   Udumalpet, Tiruppur District.

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2. The Assistant Engineer,
Operation and Maintenance,
Tamil Nadu Electricity Generation
and Distribution Corporation,
Vadugapatti - 642 106,
Tiruppur District.

1 CC to Mr.N.Manokaran, Advocate SR.No. 45283

1 CC to Mr.S.K.Rameeshuwar, Advocate SR.No. 45873

1 CC to Mr.N.Umapathi, Advocate SR.No. 45360

W.P.No.18359 of 2015

LRS (CO)
PSI (15.09.2015)

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