

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.08.2015

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

W.P. No. 18615 of 2015

R. Vadamalai

..Petitioner

Vs.

1. The Executive Engineer,
Operations and Maintenance,
TANGEDCO, Ariyalur - 621 705.
2. The Assistant Executive Engineer,
Operations and Maintenance,
TANGEDCO, Ariyalur - 621 705. ..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Certiorarified Mandamus to call for the records of the impugned order passed by the 2nd respondent dated 11.06.2015 in his proceedings Ka.No.U.Se.Po. E.Ka/Ari/Va.A/Ko. Vivasayam/No.123/ 15-16, to quash the same and consequently direct the respondents to transfer the electricity service connection No. 1083 based on the petitioner's application dated 09.06.2015 from the land comprised in Survey No. 112/5 situate in Andipattakadu Village, Sundakudi, Ariyalur Taluk and District to the land comprised in Survey No. 211/2B situate at Kathankudikadu Village, Kavanoor Majra, Ariyalur Taluk and District forthwith.

For Petitioner :: Mr.C. Prabakaran

For Respondents:: Mr.P. Gunaraj

O R D E R

This writ petition is filed challenging the order passed by the 2nd respondent dated 11.06.2015 rejecting the petitioner's request for transfer of electricity service connection and to direct the respondents to transfer the electricity service connection No. 1083, based on the petitioner's application dated 09.06.2015 from the land comprised in Survey No. 112/5 situate in Andipattakadu Village, Sundakudi, Ariyalur Taluk and District to the land comprised in Survey No. 211/2B situate at Kathankudikadu Village, Kavanoor Majra, Ariyalur Taluk and District forthwith.

2. The case of the petitioner is that he is the owner of the land comprised in Survey no. 112/5 situate at Andipattakadu Village, Sundakudi Post, Ariyalur Taluk and District to an extent of 0.13.50 hectares wherein the petitioner is carrying on agricultural work. For the purpose of irrigation facility, the petitioner dug a bore well in the said survey number and obtained electricity service connection No. 1083. Subsequently, the underground water level in Survey No. 112/5 went dry and the petitioner was unable to draw water from the bore well and carry on his agricultural work. At his juncture, the petitioner purchased a land comprised in Survey No. 211/2B, 211/5B, 211/6BH, 211/15B and 211/15D to an extent of 1.01 acres, situate at Kathankudikadu Village, Kavanoor Majra, Ariyalur Taluk and District for a valuable consideration under a registered sale deed dated 28.08.2014 registered as document No. 881 of 2014 on the file of Sub Registrar Office, Trumbulikurichi, Ariyalur District. For carrying agricultural work in the newly purchased land, the petitioner dug a bore well in the Survey No. 211/2B and thereafter, made an application to the respondents, with all relevant documents on 09.06.2015 seeking transfer of electricity service connection No. 1083 from Survey No. 112/5 to 211/2B at Kathankudikadu Village, Kavanoor Majra, Ariyalur Taluk and District. However, the said request was rejected by the 2nd respondent by the order under challenge stating that the distance between the two places is nearly 15 Kms. Hence, the present writ petition.

3. Heard Mr.C. Prabakaran, learned counsel for the petitioner and Mr.P. Gunaraj, learned counsel for the respondents.

4. There is no occasion for this Court to take a different view from the one taken by the respondent Board as the request of the petitioner has been denied by the Board based on regulations. It is practically impossible to shift the service connection from one village to another, that too, to a distance of 15 kms. Hence, the impugned order cannot be interfered with and the writ petition is dismissed. However, it is made clear that the dismissal of the writ petition will not preclude the petitioner from applying for fresh connection and on such application being made by the petitioner, the respondent Board shall consider the same according to seniority. No costs.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

nv

To

1. The Executive Engineer,
Operations and Maintenance,
TANGEDCO, Ariyalur - 621 705.

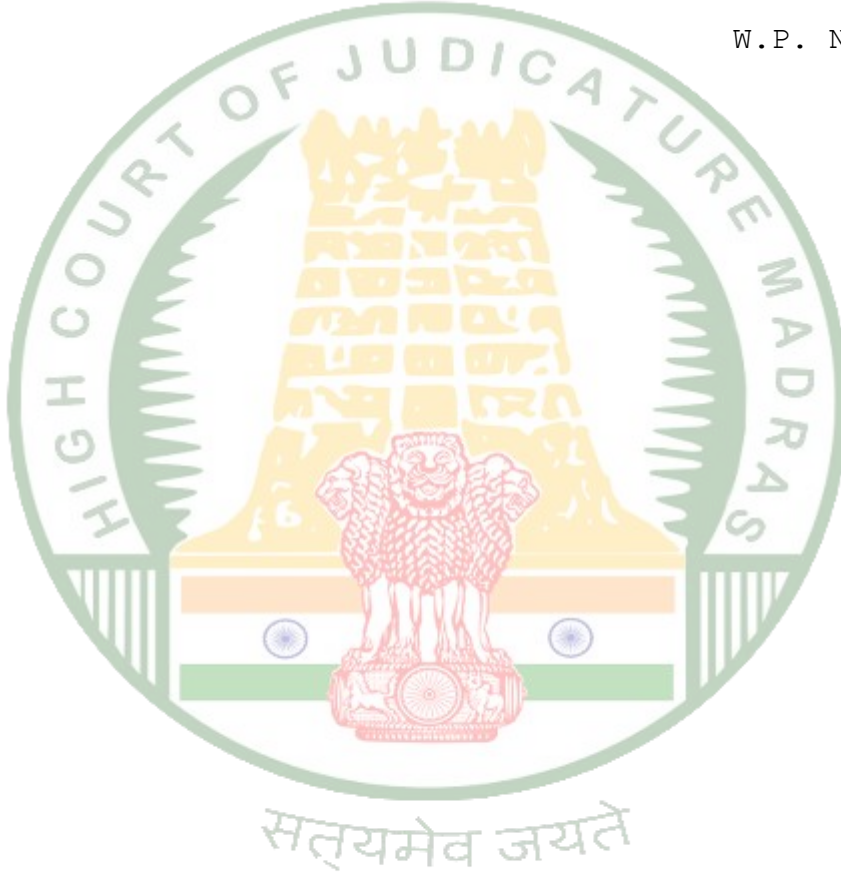
2. The Assistant Executive Engineer,
Operations and Maintenance,
TANGEDCO, Ariyalur - 621 705.

+1 cc to Mr.K.P.Satishkumar, Advocate, sr.43227

+1 cc to Mr.P.Gunaraj, Advocate, sr.43394.

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