

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2015

CORAM :

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

W.P.No.25094 of 2015
and M.P.No.1 of 2015

S.Venkataraman

... Petitioner

vs.

1. The Junior Engineer,
O&M/TANGEDCO,
Onnupuram Village, Arani Taluk,
Tiruvannamalai District.
2. The Additional Divisional Engineer,
Tamil Nadu Electricity Board,
Kannamangalam Coot Road,
Kaniambadi Village & Taluk,
Tiruvannamalai District.
- 3.State rep.by
The Divisional Engineer,
Tamil Nadu Electricity Board,
Arani-Polur Road,
Saidapet, Arani Taluk,
Tiruvannamalai District.
- 4.The Superintending Engineer,
Tamil Nadu Electricity Board,
Vengaivasal, Tiruvannamalai District.

... Respondents

Prayer:- Writ petition filed under Article 226 of the constitution of India praying for a writ of certiorarified Mandamus calling for the records of the impugned order in E.Mee.Po/E & Paa/Opuram/Ko.Vivasaya Min Inippu Enn 14/1516 dated 24.04.2015 passed by the 1st respondent and quash the same and direct the respondents to shift the above service connection in SC No.231/015-117 from the common well in Survey No.212/6C to the new bore well in Survey No.212/6B.

For Petitioner : Ms.V.Anuradha

For Respondents : Mr.Varunkumar

ORDER

The petitioner is a joint co-owner alongwith others in respect of property comprised in Survey No.212/6 measuring about 179 $\frac{1}{4}$ cents, after oral partition in the year 1975. There is a common well in Survey No.212/6C and since the petitioner is one of the co-owner of the well, he is entitled to enjoy the common well. The petitioner's father had obtained separate EB service connection in SC No.231/015-117 for the common well, after obtaining no objection from the other co-owners.

2. Since the water resources in the common well has gone down, the petitioner was compelled to dig a separate bore well in his portion of the property and hence seeks to shift the EB service connection from the common well in Survey No.212/6C to the new bore well in Survey No.212/6B. However, the shifting of the EB service connection has been delayed by the respondents stating that one Periyaram made objection by filing Writ Petition No.7309 of 2015 claiming for cancellation of patta for the portion of the land comprised in Survey No.212/6B. Since the electricity connection has not been shifted so far, the petitioner is before this court by way of this writ petition.

3. Heard Ms.V.Anuradha, learned counsel appearing for the petitioner and Mr.Varunkumar, learned counsel appearing for the respondents.

4. It is not disputed that the EB service connection in SC No.231/015-117 stands in the name of the petitioner and he has only applied for shifting of the said service connection from the common well to the bore well which is situated in Survey No.212/6B. The contention of the respondent that one Periyaram sought for cancellation of the patta granted in favour of the petitioner cannot be a ground to deny the shifting of EB service connection to the petitioner. As long as the patta stands in the name of the petitioner, there should not be any problem for the respondents to shift the EB service connection standing in the name of the petitioner from Survey No.212/6C to Survey No.212/6B.

5. In view of the above, the first respondent is directed to shift the EB service connection in SC No.231/015-117 standing in the name of the petitioner, from the common well comprised in Survey No.212/6C to the petitioner's bore well comprised in Survey No.212/6B, within a period of four weeks from the date of receipt of a copy of this order. The petitioner is directed to pay the necessary charges in this connection to the respondents.

6. The writ petition is disposed of with above direction.

No costs. Consequently, connected Miscellaneous Petition is closed.

7. Post the matter for compliance on 21.09.2015.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Junior Engineer,
O&M/TANGEDCO,
Onnupuram Village, Arani Taluk,
Tiruvannamalai District.
- 2.The Additional Divisional Engineer,
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- 3.The Divisional Engineer,
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- 4.The Superintending Engineer,
Tamil Nadu Electricity Board,
Vengaivasal,
Tiruvannamalai District.

+1 cc to Mr.V.Anuradha,Advocate (sr.41333)

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ggk(co)
cp 23/09/2015

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